

DEBORAH K. WATSON, RPR, CRR  
Official Court Reporter  
713 Church Street, Suite 2300  
Nashville, TN 37203  
DebbieWatsonFOCR@gmail.com

1   **APPEARANCES:**

2  
3  
4   **For the Government:**

5           TAYLOR J. PHILLIPS  
6           U.S. Attorney's Office  
7           719 Church Street  
8           Suite 3300  
9           Nashville, TN 37203  
10          (615) 736-5151  
11          Email: taylor.phillips@usdoj.gov

12          BLAKE J. ELLISON  
13          Public Integrity Section  
14          Criminal Division  
15          U.S. Department of Justice  
16          1301 New York Ave. NW  
17          10th Floor  
18          Washington, D.C. 20530  
19          (202) 262-7011  
20          Email: blake.ellison@usdoj.gov

21          JOHN P. TADDEI  
22          U.S. Department of Justice  
23          Public Integrity Section  
24          1301 New York Ave. NW  
25          10th Floor  
            Washington, DC 20530  
            (202) 514-1412  
            Email: john.taddei@usdoj.gov

1   **APPEARANCES   (Continued) :**

2  
3   **For the Defendant, Glen Casada:**

4           **EDWARD M. YARBROUGH**  
5           **Spencer Fane LLP**  
6           **511 Union Street**  
7           **Suite 1000**  
8           **Nashville, TN 37219**  
9           **Email: eyarbrough@spencerfane.com**

10          **CHASE FANN**  
11          **Spencer Fane LLP**  
12          **511 Union Street**  
13          **Suite 1000**  
14          **Nashville, TN 37219**  
15          **(615) 238-6395**  
16          **Email: cfann@spencerfane.com**

17          **JONATHAN P. FARMER**  
18          **Spencer Fane LLP**  
19          **511 Union Street**  
20          **Suite 1000**  
21          **Nashville, TN 37219**  
22          **(615) 238-6309**  
23          **Email: jfarmer@spencerfane.com**

24   **For the Defendant, Cade Cothren:**

25           **CYNTHIA A. SHERWOOD**  
          **Sherwood Boutique Litigation, PLC**  
          **414 Union Street**  
          **Suite 1110**  
          **Nashville, TN 37219**  
          **(615) 873-5670**  
          **Email: cynthia@sherwoodlitigation.com**

**JOY BOYD LONGNECKER**  
          **Barnes & Thornburg LLP**  
          **1600 West End Avenue**  
          **Suite 800**  
          **Nashville, TN 37203-3447**  
          **(615) 925-9506**  
          **Email: joy.longnecker@btlaw.com**

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\* \* \*

The above-styled cause came on to be heard at 9:09 a.m. on April 24, 2025, before the Honorable Eli J. Richardson, District Judge, when the following proceedings were had, to-wit:

**THE COURT:** All right. We are here for Day 3 of trial in *United States v. Casada and Cothren*. And, of course, we'll be doing opening statements in just a bit here. The Court wants to ask the parties if they have any preliminary matters. I do have one.

Mr. Phillips?

**MR. PHILLIPS:** No, Your Honor. Thank you.

**THE COURT:** Mr. Yarbrough?

**MR. YARBROUGH:** No, Your Honor.

**THE COURT:** And Ms. Sherwood?

**MS. SHERWOOD:** Preliminary matters, Your Honor?

**THE COURT:** Yeah.

**MS. SHERWOOD:** Yes, Your Honor. Just -- may I raise a media issue? And I know there are -- not a lot that -- nothing can be done with the media, but yesterday Phil Williams is breathlessly reporting about -- that the prosecution is potentially prepared to introduce evidence of this years-old Justin Jones controversy.

And that is not going to be evidence in this

1 case. And I was wondering if we could get -- and I know  
2 your instructions are more than clear, and they were  
3 exhaustive with the jury yesterday. But something like the  
4 media has no idea -- because we're worried about their  
5 family reading it.

6 If they follow your instruction, their family  
7 coming up and saying something. An instruction such as "the  
8 media has no idea what is being put into evidence in this  
9 case, and that information has no basis in fact," because  
10 that's just factually incorrect what Phil Williams wrote.

11 **THE COURT:** Well, I think -- one of the things  
12 that I typically tell them is that things you hear in the  
13 media and the -- here's what I say -- and I'm going to  
14 instruct them on this this morning:

15 "Just like tweets and internet posts, things on  
16 the internet and in the media are often inaccurate or  
17 incomplete. And it is certainly not given under oath with  
18 all parties present," and I go on from there.

19 I think making the general point is the way to go  
20 rather than maybe being more specific. But the point will  
21 be made. And I'm sure that they understand that anyway.  
22 Things are inaccurate or incomplete.

23 But having said that, Mr. Phillips, what's your  
24 take on saying anything more than what the Court ordinarily  
25 says?



1           Because I understand the concern, but, you know,  
2 sometimes you -- and I'm not saying this is the case. It  
3 could be, though. You make a potential risk worse by  
4 throwing too much attention to it.

5           What do you think, Mr. Phillips?

6           **MR. PHILLIPS:** Your Honor, the government defers  
7 to the Court on the admonishments to the jury.

8           I guess to address the other half of what I  
9 understood Ms. Sherwood's concern to be would be the jurors  
10 speaking with somebody at home about media that that person  
11 had seen. I understand that's also part of the Court's  
12 typical instructions that they should not be doing that --  
13 discussing the case at all with --

14          **THE COURT:** Yeah, that piece is definitely  
15 already covered, like, that risk. I don't know what more I  
16 could do, particularly after what I read here.

17          You know, I could say -- I could modify it this  
18 way. All right? The typical language to say, "Just like  
19 tweets and internet posts, things on the internet and in the  
20 media are often inaccurate and incomplete, and that could be  
21 the case" -- well, how about this -- if you want something  
22 like this:

23          "And that could be true with respect to anything  
24 said online or in the media about this particular case."  
25 You know, and if they can't -- you know, I think they -- if

1 they don't, I think, get the message from that, I think  
2 they'd be disinclined to get the message any -- with more  
3 specific language.

4 **MS. SHERWOOD:** Thank you, Your Honor.

5 **THE COURT:** All right. I think that that should  
6 cover the concern, so I will add that language. Okay.

7 Now, as these things happen, we have a juror  
8 issue, another one. This one is regarding Juror No. 2.

9 And if counsel are able to consult their notes as  
10 to who that is. Don't want to gratuitously mention the name  
11 if I don't have to.

12 Well, Juror No. 2 has raised with the jury  
13 administrator the fact that it did not occur to her and she  
14 did not disclose that she would lose four weeks of income if  
15 she were to serve as a juror and is requesting not to serve  
16 and has provided information from whomever it is she works  
17 for with respect to her employment, which is nursing, to  
18 substantiate that.

19 Now, I believe that the Court and counsel did  
20 everything they could to ferret out exactly that, and the  
21 notion of losing income as being a potential reason for  
22 being excused from service was made abundantly clear. And  
23 yet the statement is that it did not occur to this  
24 particular juror until afterwards.

25 So that's where we are.

1           So I wanted counsel to take a minute and think  
2 about this. You'll note I also handed out that chart, and  
3 this just is for informational purposes only, for what it's  
4 worth, from Tennessee Department of Health showing the sort  
5 of percentages, based on the information they have from the  
6 sources they have from providers, about sort of where we are  
7 on sickness and, you know, illnesses -- RSV, flu, COVID-19.

8           I point that out just on the issue of, well, gee,  
9 you know, if we're down to two alternate jurors, you know,  
10 what are our risks of losing them all? I would say  
11 statistically -- even though we've already lost one juror  
12 due to illness, statistically, we're definitely -- and this  
13 is my assumption, but I wanted to check the figures.

14           You know, the conventional wisdom from statistics  
15 like this is we're at a time of the year where this risk  
16 should be low, and it should be statistically low, of losing  
17 people even though there are some illnesses out there.  
18 That's why I provided that information.

19           Something else to note, just thinking about sort  
20 of where we are, if there are 12 jurors and no alternates  
21 when the jury commences deliberations, the Court, in its  
22 discretion, can allow, if someone needs to be excused for  
23 illness or otherwise, in the deliberations room, the Court  
24 has the discretion to have a jury of 11 return a verdict.  
25 We want to avoid that, but the Court has the discretion.

1           We also have the discretion to put something on  
2     pause if there's an emergency and, you know, take a day off  
3     to accommodate some emergency if it arises. So we have some  
4     options. But I point that out to note that if we did excuse  
5     this juror, we'd be down to two folks, and it's not ideal to  
6     lose two alternate jurors before you've even done opening  
7     statements, and I realize that.

8           What do you think, Mr. Phillips?

9           **MR. PHILLIPS:** Your Honor, the government will  
10    ultimately defer to the Court on whether to excuse  
11    Juror No. 2.

12           The only other comment I would have is that the  
13    government is optimistic that, notwithstanding the Court  
14    appropriately previewed a potential four-week trial for the  
15    venire, that we will not be going a full four weeks, and  
16    that gives the government a little bit of hope that even if  
17    we went down to two alternates, we'd be okay.

18           **THE COURT:** I appreciate that. And the four  
19    weeks, I did build in time for the deliberations themselves,  
20    which is good. We are talking -- we're not talking four  
21    weeks to get to the deliberation room.

22           Particularly at this time of year, two should be  
23    fine. It really should. And so I agree with you in that  
24    regard. But, of course, it's always disappointing to lose,  
25    you know, the alternate jurors.

1 I do think -- you know, I think we did the right  
2 thing doing four. It's easy for us to give ourselves all  
3 sorts of extra -- you know, extra cushion on alternate  
4 jurors for our purposes, but it comes at a real cost to the  
5 alternate juror who -- or jurors who may end up not being  
6 used.

7 What do you think, Mr. Yarbrough?

8 **MR. YARBROUGH:** If Your Honor please, my  
9 thought -- certainly we defer to the Court also. But my  
10 thought is if it was not significant enough to bring up in  
11 two days, that maybe it's more remorse than it is a  
12 hardship.

13 **THE COURT:** You know, and I think that's a fair  
14 thought to have when you're scratching your head about what  
15 happened here. I will -- if -- you know, if counsel want to  
16 see it, I can show you the information that was from,  
17 really, the -- from apparently the person -- and, again, I  
18 think it's -- can't be employment status, from what I can  
19 tell. It must be some kind of contract basis employment  
20 suggesting, you know, that there is going to be this loss in  
21 income.

22 Why that didn't get raised on the front end, I  
23 don't know. But I'm happy to show it to counsel if they  
24 want to see what I have in this regard. You want to see it?

25 **MS. LONGNECKER:** We wouldn't mind seeing it, but

1 I just have a question from a logistical standpoint. It  
2 sounds like the Court is speaking in terms of the juror that  
3 was ill yesterday, that juror has been excused?

4 **THE COURT:** Oh, sorry. Yeah, I had a discussion  
5 about illness in connection with, you know, can we expect to  
6 lose a whole bunch of people -- additional jurors for  
7 illness. And that was the purpose of that discussion.

8 So right now, we're talking about a different  
9 juror, Juror No. 2. The other one, I think, was  
10 Juror No. 5.

11 **MS. LONGNECKER:** Is she here and ready to serve,  
12 Your Honor? Has she recovered?

13 **THE COURT:** You're talking about No. 5, yeah.  
14 And I should say -- let me say about No. 5. No. 5 is faring  
15 worse and is going to be unable to serve, yeah. And I  
16 probably should have confirmed that, but yeah. So that  
17 means we're down to three. This loss here would get us down  
18 to two.

19 Do folks want to see this information? I don't  
20 want it sort of floating around out there, but we can hand  
21 it around if you want to see it.

22 You know, there is -- from this information,  
23 there's a basis for saying, you know, what -- you do lose  
24 your pay. But if counsel want to see it, I think they're  
25 entitled to. I don't want to hand it out gratuitously,

1     though.

2               **MR. YARBROUGH:**   We don't need to see it.

3               **MS. SHERWOOD:**   We don't need to see it.

4               **THE COURT:**    All right.

5               **MS. SHERWOOD:**   But, Your Honor, my concern is --  
6     and I guess we don't want a juror that doesn't want to  
7     serve.   But --

8               **THE COURT:**    That's an issue, right.

9               **MS. SHERWOOD:**   But from Mr. Cothren's  
10    perspective, we also don't want a jury of 11.

11              **THE COURT:**    Right.   Yeah.

12              **MS. SHERWOOD:**   So I would prefer the latter  
13    option if we get to there.

14              **THE COURT:**    Yeah.   And I do think -- you know,  
15    one of the -- when that does happen, you know, it's not a  
16    rubber-stamp thing to say, oh, we'll return a jury of --  
17    with 11 folks.   There's definitely an analysis that goes on  
18    as to whether that's appropriate to -- for the Court to  
19    exercise its discretion.

20              And none of us like to even think about these  
21    possibilities, losing additional alternate jurors and so  
22    forth.   But I just did point that out as an issue.

23              But it's definitely, in that hypothetical  
24    scenario, you're right that, you know, you would be able to  
25    be heard on whether this is appropriate.

1           So all right. I think the thing to do -- and you  
2 know, Ms. Sherwood put her finger on it. I'm confident that  
3 other counsel are thinking the same thing.

4           You know, part of it is we don't want undue  
5 hardship on jurors. I'm satisfied, based on what I've seen,  
6 that that's the case here. It's disappointing that we  
7 didn't have an opportunity to sort of flesh this out and  
8 account for it on the front end.

9           On the back end, because, you know, raised  
10 belatedly or not, this is a hardship. And because, you  
11 know, it's -- it's not fair to the parties to have a juror  
12 that's distracted and perhaps displeased about jury service,  
13 I think it's appropriate to excuse her.

14           And so what I'm thinking of doing is the  
15 following -- and I think we -- if the parties want this sort  
16 of procedure to go on in open court, we can actually, you  
17 know, do it in open court.

18           But what we could also do is instruct the jury  
19 administrator to do the following downstairs so that the  
20 alternates are just sort of plugged in for the departing  
21 jurors downstairs and put in the right order.

22           And what I'm envisioning is Alternate No. 1,  
23 Mr. Fitzcharles, going in place of Juror No. 5, the one who  
24 was ill. And then -- one moment.

25           And then having Alternate No. 2, Ms. Watson, go



1 in for Juror No. 2. And just have them come in that way.  
2 We'll be down to 14. We can fit 14 in the box. The two  
3 that are alternates won't know they're alternates, which is  
4 appropriate, because they may end up being actually serving,  
5 of course.

6 And so does that work for you, Mr. Phillips?

7 **MR. PHILLIPS:** Yes, Your Honor.

8 **THE COURT:** Work for you, Mr. Yarbrough?

9 **MR. YARBROUGH:** Yes, Your Honor.

10 **THE COURT:** And you, Ms. Sherwood?

11 **MS. SHERWOOD:** Yes, Your Honor.

12 **THE COURT:** Okay. Thank you.

13 So we'll send a message downstairs to have the 14  
14 folks come up. Alternate jurors who we've identified as  
15 Nos. 3 and 4 will have Seats 13 and 14. Okay. So we'll  
16 have them brought in here momentarily.

17 (Respite.)

18 **THE COURT:** While we're waiting, let me ask  
19 counsel, in terms of the discussion we were talking about --  
20 there was some discussion yesterday about narrowing down  
21 some issues or reaching an accommodation on various matters.

22 Anything to report on that?

23 **MR. PHILLIPS:** Your Honor, I believe the two  
24 things the Court may be referring to are the manner in which  
25 the government will bring up the 2019 scandal as well as

1 certain exhibit issues that may be used with Mr. Sexton.

2 I think the parties have had some useful  
3 discussions on that, but I don't know if the defense is  
4 ready to have reached an agreement on any of that yet.

5 **THE COURT:** Okay. And probably, yeah, the -- one  
6 moment.

7 Probably the -- thank you.

8 Probably the first thing to bring up is the  
9 more -- what I understand is the more time-sensitive one  
10 about documentation concerning Mr. Sexton.

11 Do you think, Ms. Sherwood, that there is sort of  
12 an agreement that's been reached about, you know, what can  
13 be shown to the jury versus what should be not presented to  
14 them or presented to them or redacted from a page that is  
15 presented to them?

16 **MS. SHERWOOD:** We have not reached an agreement,  
17 but I'm prepared to discuss that in more detail with -- with  
18 Mr. Phillips and the prosecution team. I think we will  
19 reach one.

20 I'm thinking -- I don't know -- they may not  
21 reach Speaker Sexton today, so we are working on -- I'm  
22 having -- you know, my office is working on the records. So  
23 we're getting close to having them done, but . . .

24 **THE COURT:** Okay. Well, we'll kind of see how  
25 that looks. I mean, if we need to take something up

1 tomorrow morning, I guess we can do that if we come in here  
2 early and -- or at least make ourselves all available to  
3 come in early and discuss that as needed, hopefully an  
4 accommodation can be reached.

5 Okay. You know, the questioning regarding, you  
6 know, the sort of the -- how to bring up the issue of the  
7 scandal. When do you think that would need to be sort of  
8 resolved, Mr. Phillips?

9 **MR. PHILLIPS:** To provide a little bit of context  
10 first, Mr. Farmer provided a sort of counterproposal  
11 yesterday around lunchtime. The government responded to  
12 that via e-mail yesterday evening. It's my understanding  
13 from some brief discussions this morning that the defense is  
14 still mulling over the government's counterproposal.

15 So to directly answer the Court's question about  
16 when that comes up, that would be with the government's  
17 first witness today.

18 **THE COURT:** Okay. So it may -- are we in a  
19 situation where there may be -- you know, may be objections?  
20 If there's no agreement, there could be objections to  
21 whatever the --

22 **MS. SHERWOOD:** Yes.

23 **THE COURT:** -- government is doing.

24 **MS. SHERWOOD:** Yes, Your Honor, very much so. We  
25 have agreed to talk on the break, the morning break.

1           **THE COURT:** Okay. All right. We'll -- you know,  
2 we will have that break after openings. And, you know,  
3 maybe you can resolve that. To the extent it's not  
4 resolved, maybe we can resolve it, any dispute that remains  
5 prior to the jury coming back in for the first witness.

6           Okay. Let's call in the jurors. Thank you.

7           (WHEREUPON, the jury reentered the courtroom at  
8 9:31 a.m., with matters being heard in open court as  
9 follows:)

10          **THE COURT:** All right. Thanks to everyone for  
11 being back here today and for continuing to serve as we  
12 begin the trial portion of the trial.

13          And hope everyone had a good night and survived  
14 yet another one of these monsoons that's been afflicting  
15 Middle Tennessee this spring.

16          Thanks for being here again.

17          What we're going to do in a moment here is start  
18 by giving you a different oath than the one you previously  
19 took. And this is one that addresses your duties as actual  
20 sitting jurors. And then, after that, I'm going to give you  
21 some preliminary instructions.

22          The preliminary instructions, I'm going to read  
23 essentially off the page because these are tried-and-true  
24 instructions at the beginning of a trial for jurors in a  
25 criminal case.

1           One of the things you'll note is I'm going to  
2 touch on something that we've gone over a few times. And  
3 it's the part about no communications, investigations, and  
4 research. This one is a little more detailed.

5           You know, I think what I've said so far, you  
6 know, tends to be adequate, but this one is a little more  
7 detailed. So, you know, after I give that detailed version,  
8 that's a particular instruction that I give from time to  
9 time during the trial as a reminder.

10          And you'll note that although I give instructions  
11 at the end of the trial to tell you about the law and some  
12 principles regarding deliberations in the jury room, during  
13 the course of the trial, the judge occasionally has to give,  
14 from time to time, instructions about matters that happen to  
15 come up from time to time.

16          All right. So at this time, if you would please  
17 stand and raise your right hand, please, and repeat after  
18 Ms. Jackson.

19          (WHEREUPON, the jury was impaneled and sworn,  
20 after which proceedings were had, as follows:)

21           **THE COURT:** All right. Thanks, folks. You may  
22 be seated.

23          And now that you have been sworn, I will give you  
24 some preliminary instructions to guide you in the  
25 performance of your duties here at trial.

1           It will be your duty to find from the evidence  
2 what the facts are. You and you alone are the judges of the  
3 facts.

4           You will then have to apply to those facts the  
5 law that I will give to you. You must follow that law  
6 whether you agree with it or not.

7           Nothing I may say or do during the course of the  
8 trial is intended to indicate, nor should be taken by you as  
9 indicating, what your verdict should be. In fact, you  
10 shouldn't give any thought to what I think the verdict  
11 should be. The verdict is to be your verdict.

12           The next thing I want to talk about is the  
13 evidence. The evidence from which you will find the facts  
14 will consist of the testimony of witnesses, documents and  
15 other things received into the record as exhibits, and any  
16 facts the lawyers agree to or stipulate to that I may  
17 instruct you to find.

18           Certain things are not evidence and must not be  
19 considered by you. Among these things are statements,  
20 arguments, and questions by lawyers. That's number one.

21           2. Objections to questions. Lawyers have an  
22 obligation to their clients to make objections when they  
23 believe evidence is being offered that is improper under the  
24 rules of evidence.

25           You should not be influenced by the objection or

1 by my ruling on it. If an objection is sustained, ignore  
2 the question. If it is overruled, treat the answer like any  
3 other answer.

4 If you are -- that some item of evidence is  
5 received for a limited purpose only, you must follow that  
6 instruction and therefore consider that evidence for the  
7 specified limited purpose only.

8 3. Testimony that I have excluded or told you to  
9 disregard. Again, this is not evidence.

10 4. Anything you may have seen or heard outside  
11 the courtroom. This is not evidence and must be  
12 disregarded.

13 You are to decide the case solely on the evidence  
14 presented here in the courtroom.

15 There are two kinds of evidence: Direct and  
16 circumstantial.

17 Direct evidence is direct proof of a fact, such  
18 as testimony of an eyewitness about that fact.

19 Circumstantial evidence is proof of the facts  
20 from which you may infer or conclude that other facts exist.

21 I will give you further instructions on these as  
22 well as other matters at the close of the case, but keep in  
23 mind that you may consider both kinds of evidence.

24 It will be up to you to decide which witnesses to  
25 believe, which witnesses not to believe, and how much of any

1 particular witness's testimony to accept or reject. I will  
2 give you some guidelines for determining the credibility of  
3 witnesses at the end of the case.

4 As you know, this is a criminal case. There are  
5 three basic rules about a criminal case that you must keep  
6 in mind.

7 First, the defendant is presumed innocent until  
8 proven guilty. The indictment against the defendant brought  
9 by the government is only an accusation, nothing more. It  
10 is not proof of guilt or anything else. The defendant  
11 therefore starts out with a clean slate.

12 And in this case there are two defendants. Each  
13 defendant starts out with a clean slate.

14 Second, the burden of proof is on the government.  
15 The defendants have no burden to prove their innocence or to  
16 present any evidence or to testify.

17 Since the defendants have the right to remain  
18 silent, the law prohibits you in arriving at your verdict  
19 from considering that the defendants may not have testified.

20 Third, the government must prove the defendants'  
21 guilt beyond a reasonable doubt. I will give you further  
22 instructions on this point later, but please bear in mind  
23 that, in this respect, a criminal case is different from a  
24 civil case.

25 I now have a few words about your conduct as



1 jurors. These instructions are necessary for a fair trial  
2 and are very important.

3 First, during the trial, you are to avoid contact  
4 with any witness, the parties, any lawyer, or anyone else  
5 who may have an interest in the outcome of this case. Do  
6 not talk to or have any other communication with them.

7 Because you may not know whether a particular  
8 person in the courthouse falls into one of these categories,  
9 during breaks you should not speak to anyone in the  
10 courthouse you do not know.

11 If anyone tries to talk to you about the case,  
12 bring it to the Court's attention promptly.

13 The lawyers know that they should not be talking  
14 to you. So if during breaks they basically act like you  
15 aren't even there at all, this is why. It is not because  
16 they are rude people or because they disrespect you.

17 Second, during the trial, you are not to discuss  
18 the case with anyone or permit anyone else to talk about it  
19 with you. This prohibition includes your family, friends,  
20 and coworkers.

21 It also includes any form of communication  
22 whatsoever, whether it is over the internet such as e-mail,  
23 instant messaging, tweeting, Facebook, or other social media  
24 posts, websites, and blogs, the use of cell phones for text  
25 messaging or video and audio recording or the use of any

1 recording or transmitting device.

2 People who aren't in the courtroom and haven't  
3 heard the evidence and seen the evidence may nevertheless  
4 express opinions about the case. And your verdict is not to  
5 be based on what others have said about the case; it is to  
6 be based only on what the evidence is.

7 So don't post or e-mail or tweet or text anything  
8 about the case and don't read anything else that anyone else  
9 might post, e-mail, tweet, or text, or write about the case.  
10 And, of course, don't talk about the case and don't listen  
11 to anyone else talk about the case.

12 The prohibition includes even your fellow jurors.  
13 You should refrain from case-related discussions with one  
14 another until all the evidence is received, final  
15 instructions are given by me, and you retire to the jury  
16 room to deliberate on your verdict.

17 One of the main reasons for this is that  
18 discussing the case can lead to forming an opinion. And  
19 that is not a good idea before you have heard all the  
20 evidence.

21 Even after deliberations begin, you may talk  
22 about the case among your fellow jurors only when all are  
23 present.

24 Until deliberations begin, by all means, you may  
25 speak to one another and get to know one another on your

1 breaks as you wish. You can talk about anything you like  
2 but nothing related to the case, nothing about the lawyers,  
3 or me or the defendant or the evidence or the allegations,  
4 nothing like that.

5 Third, during the trial, you are not to gather  
6 information or investigate or do anything else to learn  
7 about the case outside the properly admitted evidence.

8 For example, do not attempt to investigate the  
9 case on the internet or travel to a particular location that  
10 may be of interest in the trial.

11 You should also avoid exposure to media coverage  
12 of the charges or trial until after you render your verdict.  
13 So don't read or listen to any news or internet reports  
14 about the case.

15 Just like tweets and internet posts, things on  
16 the internet and in the media are often inaccurate or  
17 incomplete, and that could be true with respect to anything  
18 online and in the media regarding this case in particular.

19 And information on the internet and in the media  
20 certainly is not given under oath with all parties present,  
21 nor is it subject to cross-examination and close scrutiny  
22 like the evidence you will hear and see in this courtroom.

23 During the trial, you will receive all the  
24 evidence that may properly be considered by you in reaching  
25 your verdict. I know you may be used to looking at these

1 kinds of things up online, but doing any type of research is  
2 unfair to the parties, can lead to bad decisions, and can  
3 cause major problems and require us to start the trial  
4 process over.

5           You must decide the case based solely on what is  
6 presented here within the four walls of this courtroom.

7           Finally, do not form any opinion until all of the  
8 evidence is in. The last witness is often just as important  
9 as the first witness or any other witness. So keep an open  
10 mind until I instruct you to start deliberations at the end  
11 of the case.

12           These rules are necessary for a fair trial, and  
13 violations of these instructions does subject you to  
14 punishment as allowed by law for contempt of court.

15           I will repeat or summarize some of these  
16 instructions for you regularly throughout the trial, and  
17 this is not because I think you aren't paying attention but  
18 because, in my experience, jurors find some of these  
19 instructions difficult to follow.

20           I know of no other situation in our culture where  
21 we ask strangers to sit together, watching and listening to  
22 something, then go into a little room together and not talk  
23 about the one thing they have in common, what they have just  
24 watched and heard together.

25           We are all, or at least almost all of us, wired

1 into the digital world and used to looking stuff up online  
2 and talking and posting about our lives. So please remember  
3 the reasons I gave to you about why these rules are  
4 important to follow and really need to be followed  
5 throughout this trial. And please let me know if there are  
6 any problems with following these instructions, either on  
7 your part or on the part of any fellow juror.

8 If at any time during the trial you have personal  
9 needs that must be taken care of, raise your hand or  
10 otherwise notice the court security officer. Your comfort  
11 is important to us, and we want to accommodate you any way  
12 we can as necessary.

13 Now, the trial is, of course, about to begin.  
14 Here's how it works.

15 First, the government will make an opening  
16 statement, which is simply an outline to help you understand  
17 the evidence as it comes in. Next, the defendants'  
18 attorneys, one by one, may make an opening statement.

19 Opening statements are neither evidence nor  
20 arguments. The purpose of an opening statement is for  
21 counsel to tell you what they think the evidence will show.

22 Next, the government will examine its witnesses,  
23 and counsel for the defendant may cross-examine each witness  
24 in turn. I also may allow additional rounds of questioning.  
25 So it could be the government asks questions, the defendant

1 asks questions, then maybe the government can ask more, and  
2 maybe the defendants can ask more. So there will be rounds  
3 of questioning for each witness.

4           Following the conclusion of the government's  
5 case -- that is, when the government has presented its  
6 witnesses -- each defendant may, if he wishes, present  
7 evidence. And if the defendants do choose to call  
8 witnesses, after the defendants question them, then the  
9 government may cross-examine the defendants' witnesses, and  
10 we may have additional rounds of questioning.

11           As I advised you before, neither defendant has  
12 any burden of proof and has no obligation to present  
13 evidence and may or may not choose to do so.

14           Now, after all the evidence is in, the attorneys  
15 will present their closing arguments to summarize and  
16 interpret the evidence for you, and I will instruct you on  
17 the law. After that, you will retire to deliberate on your  
18 own.

19           One final point: If the defendants do choose to  
20 present evidence, the government has an opportunity,  
21 potentially, to present additional witnesses of its own.

22           Now, at the end of the trial, you must make your  
23 own decision based on what you recall of the testimony. You  
24 will not have a written transcript to consult, so you must  
25 pay close attention to the testimony as it is given.

1           And now, if you wish, in particular to help you  
2 remember the testimony of witnesses since you won't have a  
3 transcript, you may take notes to help you remember what the  
4 witnesses said. If you do take notes, please keep them to  
5 yourself until you and your fellow jurors go to the jury  
6 room and decide the case. And do not let note-taking  
7 distract you so that you do not hear other answers by the  
8 witnesses.

9           Now, the courtroom deputy has provided each of  
10 you with a pad of paper and a writing implement. At each  
11 recess, please leave these items on your seat in the jury  
12 box. When you leave at night, your notes will be secured  
13 and not read by anyone.

14           One final point about note-taking: If you do  
15 take notes, it's important not to treat your notes as being  
16 more reliable than your memory. You are to seek to recall  
17 what the witnesses said and use your notes as a memory aid.  
18 And if there is some conflict between your memory and your  
19 notes, it is important to search your memory for what the  
20 witness said.

21           All right. So those, then, are the instructions  
22 for you on a preliminary basis. Thank you for your  
23 attention. And as I say, there will be later instructions  
24 intermittently throughout the trial and at the conclusion of  
25 the case.

1 All right. Wanted to ask, then, Mr. Phillips, is  
2 the government ready to proceed with its opening statement?

3 **MR. PHILLIPS:** Yes, Your Honor.

4 **THE COURT:** All right. You may proceed. Thank  
5 you.

6 **OPENING STATEMENTS**

7 **MR. PHILLIPS:** Thank you.

8 This is a case about powerful politicians who  
9 used their influence to line their pockets. In this trial,  
10 you will hear about how Glen Casada, Cade Cothren, and  
11 another legislator named Robin Smith wanted to crack into a  
12 special pot of state money that only legislators could get  
13 ahold of. To do that, to move the money from the state to  
14 their own pockets, the defendants used kickbacks,  
15 pass-through companies, and a fake identity with an  
16 elaborate made-up backstory.

17 **MR. YARBROUGH:** Excuse me, Your Honor.

18 Excuse me, Counsel.

19 It sounds like argument, may it please the Court.

20 **MR. PHILLIPS:** Your Honor, I discussed some of  
21 these terms with defense counsel, albeit not Mr. Yarbrough,  
22 immediately before opening.

23 **THE COURT:** All right. If counsel want to  
24 approach.

25 (WHEREUPON, a bench conference was had out of the



1 hearing of the jury, as follows:)

2           **THE COURT:** One of my concerns with the  
3 objection, Mr. Yarbrough, it sounds to me like that probably  
4 is fairly within the realm of what he thinks the evidence  
5 will show. I kind of thought so.

6           **MR. YARBROUGH:** It appeared to me, Your Honor,  
7 that the word "kickback" is a legal conclusion.

8           **MR. PHILLIPS:** That is a specific term I  
9 discussed with Mr. Farmer and Ms. Sherwood prior to opening,  
10 which they assented to, and which the Court already  
11 described in the summary of the case.

12           **THE COURT:** Yeah. I didn't think it was  
13 controversial that the government is alleging and,  
14 therefore, intends to prove something known as a kickback.  
15 And understanding your view that it's a loaded term and, in  
16 a sense, I understand it sort of instead of expressing the  
17 facts, sort of puts a label on facts. But I -- and I  
18 understand that.

19           I do think it's fair, the way we talk about  
20 facts, to refer to that as a fact that the government  
21 intends to show. So I think it's fair. And, of course, you  
22 are allowed to say, look, you know, whatever the evidence is  
23 going to show, it's not going to show a kickback. And if  
24 that sounds a little like argument, I would understand that,  
25 but it's not over the line for you to say that.

1           **MR. YARBROUGH:** So we won't have to come back up,  
2 I could -- since he has said that, I could talk about  
3 commissions and outsourcing and all the other things?

4           **THE COURT:** Well, I think -- and we'll -- you  
5 know, I guess we'll take it as it goes. If you do think  
6 that there's -- that evidence will come in that will show  
7 that, look, this was just legitimate commissions and  
8 outsourcing, you are allowed to talk about it. And if the  
9 government wishes to object, we'll take it up as it comes.

10          **MR. YARBROUGH:** Fair enough.

11          **MS. SHERWOOD:** I just wanted to say I did not  
12 have any objection to that. So I just wanted to --  
13 because --

14          **MR. YARBROUGH:** I guess we left somebody out.

15          **MR. TADDEI:** Mr. Farmer is your co-counsel.

16          **THE COURT:** Because you cleared it with  
17 Mr. Farmer, right?

18          **MR. PHILLIPS:** Yes, sir.

19          **THE COURT:** Okay. All right. So do you want to  
20 start over?

21          **MR. PHILLIPS:** Your Honor, I think I'll probably  
22 just reemphasize that "I just said this; I'm going to say it  
23 again," and that will be sufficient for me.

24          **THE COURT:** Okay. Thank you.

25          (WHEREUPON, the bench conference concluded, and

1 the following took place within the presence and hearing of  
2 the jury:)

3 **MR. PHILLIPS:** Ladies and gentlemen, as you just  
4 heard me say, the defendants used kickbacks, pass-through  
5 companies, and a fake identity with an elaborate, made-up  
6 backstory to execute this scheme. To understand why  
7 politicians would do something like this, we need to go back  
8 to an epic falling from power.

9 In early 2019, Glen Casada was riding high.  
10 After more than 15 years in Tennessee politics, his party  
11 had just been swept into this House of Representatives and  
12 he had been rewarded with the title of Speaker of the House  
13 of Representatives.

14 Along with the governor and the speaker of the  
15 senate, the other half of the Tennessee legislature, the  
16 speaker of the house was one of the three most powerful  
17 elected men in the state of Tennessee. And on Mr. Casada's  
18 ascent to that throne, he brought along his right-hand man,  
19 Cade Cothren.

20 When Mr. Casada became speaker, he made Cade  
21 Cothren his chief of staff, his top aide. But in the spring  
22 of 2019, just months after they'd ascended to that peak, the  
23 defendants were engulfed in a scandal of their own making.

24 Now, others in Tennessee politics will tell you  
25 how bad that scandal was. But for now, it's enough to say

1 that Mr. Cothren was forced to resign from that state job as  
2 chief of staff just days after the scandal broke. And  
3 Mr. Casada's colleagues pushed him out of the office of the  
4 speaker of the house shortly after that, although he did  
5 remain an ordinary representative in the house.

6 And so in late 2019, out of power, and for  
7 Mr. Cothren out of that state job, the defendants and  
8 another representative, Robin Smith, hatched a scheme. See,  
9 they knew about that special pot of money that I told you  
10 about at the beginning.

11 That money was there so that members of the House  
12 of Representatives could communicate with the folks back  
13 home. They could send them mail that had legislative  
14 updates in them, things that would explain what the members  
15 of the house had been doing up on Capitol Hill to their  
16 constituents; or they could send them surveys, in which they  
17 asked their constituents what they thought the legislators  
18 should be doing up on Capitol Hill.

19 Now, because these were official legislative  
20 communications paid for by taxpayer dollars, payments for  
21 these kind of mailers had to be approved by a state official  
22 as authorized by the speaker of the house.

23 If authorized, the state would pay up to \$3,000  
24 each year for each of the 99 house representatives to send  
25 these kind of mail pieces.

1           Now, the state didn't spend all of that money  
2       every single year. The legislators didn't use it up that  
3       quickly. In fact, some of them didn't even know it existed.  
4       But the defendants did because just months earlier they had  
5       been in the office of the speaker with the authority to  
6       approve payments for this program.

7           And so in late 2019 Cade Cothren wanted to get  
8       hold of that special pot of state money. He wanted to do  
9       mailers for Tennessee's representatives. But there was a  
10      problem -- that scandal. It meant that he would be  
11      considered a political liability by many others in Tennessee  
12      politics. And if he approached legislators directly as Cade  
13      Cothren, many of them wouldn't touch him with a 10-foot pole  
14      and he never would have been approved by state officials or  
15      the new speaker of the house, who had authority over that  
16      mail program.

17           So Cothren created a front company, a company  
18      called Phoenix Solutions.

19           Now, he used his name on some of the paperwork  
20      that created the company, but for anything that went to the  
21      state, he did his best to make sure the name Cade Cothren  
22      was nowhere to be seen.

23           And the conspirators went further than that.  
24      They created a fake identity, a phantom political consultant  
25      named Matthew Phoenix, who they said was connected to a

1 high-profile Washington, D.C., firm. This was all in an  
2 effort to hide the fact that Cade Cothren was the one behind  
3 Phoenix Solutions.

4 And because Mr. Cothren couldn't approach  
5 legislators directly, he made a corrupt bargain with Casada  
6 and Representative Smith. Mr. Cothren used their positions,  
7 including their easy access to their fellow legislators and  
8 their access to the state officials who held the purse  
9 strings on that program that sent out mailers.

10 Specifically, Mr. Cothren paid Casada and Smith  
11 bribes or kickbacks for three things.

12 First, he paid them in exchange for them using  
13 their own mail allowances on his company, Phoenix Solutions.

14 Second, he paid them to entice other legislators  
15 to do the same thing.

16 And, third, he paid them to pressure state  
17 officials to approve Phoenix Solutions as a vendor and, when  
18 the state wasn't paying Phoenix Solutions's invoices fast  
19 enough for the conspirators, to pressure those state  
20 officials to pay up.

21 To conceal this scheme, the conspirators'  
22 deceptions went even further than Phoenix Solutions and that  
23 particular identity, Matthew Phoenix. For some of the  
24 invoices that went to the state, they added another layer.  
25 In some cases, the conspirators used company that Mr. Casada

1 controlled and a company that Ms. Smith controlled to submit  
2 to those invoices for work that Phoenix Solutions had done.

3 Mr. Casada's company was called Right Way  
4 Consulting. Ms. Smith's company was called River's Edge  
5 Alliance. And the conspirators used those companies to  
6 submit invoices to the state for work that Phoenix Solutions  
7 and Cade Cothren had done. That added an additional layer  
8 of concealment.

9 Ultimately, Mr. Cothren, Ms. Smith, and  
10 Mr. Casada did not just agree to this scheme; they actually  
11 pulled it off. Before the FBI shut it down, those kickbacks  
12 and lies had led to a lucrative, thriving business. Phoenix  
13 Solutions was pumping out mailers, and Mr. Cothren paid  
14 Mr. Casada and Ms. Smith thousands of dollars in bribes and  
15 kickbacks.

16 Now, by this point, you're probably wondering why  
17 isn't Representative Smith sitting at this table too?

18 Well, the answer to that is that Representative  
19 Smith has accepted the fact that she criminally abused her  
20 office. She is going to come into this courtroom and  
21 testify under oath from that witness stand, and she is going  
22 to take you inside the conspiracy.

23 She will tell you about the bribes that she was  
24 paid by Mr. Cothren. She will tell you about the lies that  
25 the conspirators told. And her testimony will be

1 corroborated by dozens of text messages and e-mails in which  
2 the conspirators discuss deceiving their fellow legislators,  
3 in which they discuss the bribes and the kickbacks, in which  
4 they discuss putting pressure on state officials to get more  
5 money for Phoenix Solutions.

6 We'll also show you the fake paperwork that the  
7 defendants submitted to state officials, which includes a  
8 federal tax form signed by Matthew Phoenix, that fake  
9 phantom political consultant who was actually Cade Cothren.

10 We'll also show you the bank records that show  
11 the flow of funds from the state to some of the companies in  
12 the middle, to Mr. Cothren, and then kick back to Casada and  
13 Smith.

14 And on top of that, you're going to hear the  
15 defendants' own words because they gave recorded interviews  
16 to the FBI. You're going to hear Mr. Cothren admit that he  
17 was Matthew Phoenix and admit that he knew Robin Smith was  
18 going to other legislators saying, "You should use Matthew  
19 Phoenix for your mailers."

20 And you're going to hear Mr. Casada say he had no  
21 idea who Matthew Phoenix was. But you're also going to see  
22 text messages and correspondence that will show he knew  
23 exactly who Matthew Phoenix was. He knew it was his former  
24 chief of staff, Cade Cothren.

25 To work through all this evidence, you're going



1 to hear from Ms. Smith and law enforcement agents, of  
2 course, but you're going to hear from other witnesses as  
3 well. You'll hear from some of those other state  
4 legislators who were deceived by the conspirators. You're  
5 going to hear from the woman who oversaw the mailer program.  
6 She's going to tell you how it worked. She's going to tell  
7 you how she was pressured by the conspirators to approve the  
8 payments that they wanted.

9           You're going to hear from a member of the  
10 Tennessee Republican House Caucus, who will tell you about a  
11 fake document he got from Matthew Phoenix. And you're going  
12 to hear from an FBI forensic accountant, who is going to  
13 walk you through how the money flowed.

14           Now, ladies and gentlemen, this wasn't just  
15 clumsy politics or aggressive business. The evidence will  
16 show that the defendants chose to betray the trust that the  
17 people of the state of Tennessee put in them. That betrayal  
18 violated federal law. The defendants have been charged with  
19 counts including bribery, fraud, money laundering, and  
20 conspiracy.

21           And so after you've heard all of the evidence in  
22 this case, we will be back in front of you and ask that you  
23 return a unanimous verdict of guilty on every count  
24 presented to you.

25           Thank you.

1           **THE COURT:** All right. Thank you, Mr. Phillips.  
2           Mr. Yarbrough?

3           **MR. YARBROUGH:** Yes, Your Honor. Thank you.

4           May it please the Court, counsel, and ladies and  
5 gentlemen of the jury. It's my privilege to represent Glen  
6 Casada, and it's still my privilege despite what has just  
7 been said by the lawyer for the government.

8           The proof of this case will indicate that Glen  
9 Casada was born in Jeffersonville, Indiana, in 1959, and  
10 that he was educated at Western Kentucky University and got  
11 a degree there in agriculture and education in 1983, that he  
12 ended up living in Tennessee, primarily in eastern  
13 Williamson County. And he was working as a pharmaceutical  
14 salesman for the Merck company during most of his career. I  
15 think he was with that company approximately 30 years.

16           But when he was living in Arrington, Tennessee, a  
17 small town south of Nolensville, he became interested in a  
18 park. And for some reason, the county commission, the  
19 Williamson County, would not approve the park that so many  
20 people in that community wanted. So he took his first step  
21 into politics. Not powerful politics, but politics at the  
22 grassroots level.

23           His experience with the county commission turning  
24 down that park repeatedly led him to run for a seat on the  
25 county commission. And I'm proud to say that at some point

1 later on, Arrington got its park, and I believe the park is  
2 still there.

3 As a result of his political activity on the  
4 commission at a very low level, Mr. Casada became more  
5 interested in government and, as a result of that, was  
6 elected to the Tennessee House of Representatives in, I  
7 believe, the year 2000.

8 He went to the house. He became a leader. He  
9 was elected at one point as the majority leader, a chair of  
10 the caucus, the Republican caucus. And then as you've just  
11 heard, he was elected in the -- I believe the beginning of  
12 January. Actually, the caucus chose him in 2018, but he was  
13 elected by the house to the position of speaker in 2019, the  
14 beginning of the general assembly in that year.

15 There was a -- what's been called a scandal, for  
16 lack of a better word. As a result of that, Mr. Cothren did  
17 lose his job. But Mr. Casada, after agreeing to step down  
18 as speaker, was reelected to the House of Representatives by  
19 the people of his district in Tennessee in the year 2020 and  
20 served until the year 2022, when he elected to retire from  
21 the house.

22 Now, let me back up a minute because I've gotten  
23 ahead of myself on the timetable.

24 After he stepped down as speaker but still more  
25 than two years before he decided to leave the house, he

1 retired from the Merck company, and this is when he  
2 considered going into business -- not a big business by any  
3 means -- as the Right Way Consulting company that the  
4 prosecutor mentioned a moment ago.

5 This was a small company wholly owned by  
6 Mr. Casada, and the whole purpose of it was to do  
7 constituent services and legitimate communications services  
8 for other members of the house. And at that time that was  
9 perfectly legal in the state of Tennessee; and, in fact, the  
10 associates of Mr. Sexton, who you'll hear testify later in  
11 this case, I believe Timothy and Matthew Hill, were involved  
12 in that for many years.

13 The process of approval for that was fairly  
14 relaxed. The approval for the vendors, who were going to  
15 get this \$3,000 allowance that the members had, was  
16 basically handled by staff in the speaker's office. It was  
17 not considered by them to be an important matter.

18 But, obviously, later on, it became important  
19 because, when Mr. Sexton took over as speaker of the house,  
20 he found out that Mr. Casada and Mr. Cothren at some point  
21 were involved in this type of thing; and because he didn't  
22 like either one of those individuals, he decided that he was  
23 going to try to cut it off.

24 Now, let me tell you a few things about  
25 Mr. Sexton while I'm on that subject.

1           Mr. Sexton, right after he became speaker of the  
2 house, began to meet with the FBI. He and his lawyer went  
3 to Memphis and met with the FBI in Memphis and started  
4 talking to them about something unrelated to this case.  
5 That's in October of 2019. And at that time the companies  
6 that you've heard about, Phoenix Solutions and Right Way,  
7 didn't even exist.

8           But it turns out that Mr. Sexton developed a  
9 relationship with the FBI and met with them multiple times  
10 after that, in fact, off and on, for almost 4 1/2 years.  
11 And the last time he met with them was just a few days ago.

12           During that period of time, we expect the proof  
13 will show that the investigation of Mr. Casada and  
14 Mr. Cothren began. They had an investigation and came to a  
15 head on an early morning in August of 2022 when Mr. Casada,  
16 at his home in Williamson County, heard a knock on the door  
17 at 8:00 a.m. He's in his bathrobe. He comes to the door.  
18 FBI agents are standing in front of him, and directly behind  
19 them are television cameras.

20           The fact that television cameras were there would  
21 indicate that somehow they had been tipped off.

22           For the next 2 1/2 hours, without a lawyer,  
23 Mr. Casada had a conversation with the FBI -- which was  
24 recorded and I anticipate you'll hear the whole thing --  
25 during which he talked openly about what he thought was a

1 legitimate business transaction between himself and  
2 Mr. Cothren and the state of Tennessee.

3           You'll hear him say at times things that -- he  
4 was avoiding talking about Mr. Cothren because he knew  
5 Mr. Cothren had been a bit of a problem in the past, and he  
6 avoided it for a little while. But after a while, he  
7 realized what the FBI was telling him, that this was a  
8 serious matter, and he pretty much fessed up to what he  
9 thought was a completely legitimate relationship, creating  
10 business -- which, by the way, he used the term thousands of  
11 dollars, but we anticipate the proof will show that the  
12 so-called profit that Mr. Casada got was somewhere between 4  
13 and \$7,000 total.

14           So that's the money that's going into the pocket  
15 of the powerful politicians who are trying to line their  
16 pockets that we're talking about in this case.

17           Now, let me go back a step or two. Why do we say  
18 that Mr. Sexton might have developed a relationship with the  
19 FBI and had some degree of animus or -- or anger about  
20 Mr. Casada?

21           When Mr. Sexton ran for the legislature in  
22 Crossville, Cumberland County, another district right on the  
23 border of East Tennessee, he had an opponent named Eric  
24 Swafford. Turned out that Mr. Casada had supported the  
25 opponent that Mr. Sexton beat. So they started out as

1 political rivals. Later on, they became rivals again during  
2 elections in the caucus for the speakership and so on and so  
3 forth.

4 But Mr. Casada always -- not always, but mostly  
5 won those contests, and it's not unusual to expect that  
6 Mr. Sexton would have developed a little bit of anger with  
7 Mr. Casada over political matters.

8 So when Mr. Casada was brought down by the  
9 conduct of Mr. Cothren, it presented an opportunity to  
10 Mr. Sexton to get Mr. Casada completely out of his political  
11 life.

12 And so we say the proof is going to show that  
13 that's exactly what he did, that he turned this relatively  
14 small -- and to us, it was insignificant. Not anymore,  
15 obviously. But he turned that whole matter over to the FBI  
16 and now for -- what? -- five years, we've been talking about  
17 this, and we're finally going to resolve it hopefully in a  
18 proper way.

19 There are certain things that the proof in this  
20 case we believe will show you regarding the necessary  
21 ingredients of a conspiracy. Again, Mr. Casada was very  
22 open with the FBI to say that he had no idea that this was  
23 criminal activity in any way.

24 And you'll hear -- assuming the judge allows it,  
25 you'll hear the FBI agent trying to explain to him why it

1 might be. But in order to convict, you will have to hear  
2 proof of criminal intent. And we are saying to you now that  
3 the proof will not be that there was criminal intent, that  
4 it was an innocent transaction by Mr. Casada.

5 They also have to show that, somehow or another,  
6 federal money was a part of this. And I didn't hear  
7 anything in the opening statement about that, but I assume  
8 they're going to put on some kind of proof with respect to  
9 that.

10 The other proof that we expect to show, ladies  
11 and gentlemen, is simply this: If Mr. Casada wanted to make  
12 a lot of money as a politician, would he have done it this  
13 way?

14 Look for the proof as it comes out and is  
15 revealed both by the government -- and, by the way, the  
16 government calls most of the witnesses in the case, but the  
17 defense may call some. I don't know.

18 But the point of that is listen to the proof and  
19 look for indications of whether, at any time, it makes any  
20 kind of sense to you for Mr. Casada to put his life on the  
21 line and come to all of this for between 4 and \$7,000.

22 Or -- or will the proof show that this is a  
23 political matter between rivals and it's sort of the final  
24 chapter in something that was started way back in late 2019.

25 Don't know how much the COVID issue will come



1 into the case, but certainly you will know -- and I think  
2 you'll probably hear about it through some of these  
3 witnesses -- that right after the businesses started,  
4 Right Way and Phoenix Solutions, we hit the COVID era when  
5 everybody was told to stay home and communication oftentimes  
6 was not as good as it should have been.

7 We expect the proof will show that there was no  
8 investigation done of who these vendors were because there  
9 was no real concern about it.

10 But then the proof will show that at some point  
11 somebody said, well, this -- who is Phoenix Solutions? And  
12 they began to look at it. And they realized that Cade  
13 Cothren was actually the owner of that entity, and yet they  
14 continued to do business after they knew that it was him.

15 And the prosecutor has already said that he  
16 thinks the proof will show that this was a fraud and a bribe  
17 and so on and so forth because that fact was hidden.

18 In reality, that fact was -- if it was hidden at  
19 all, very poorly hidden, because people like Connie Ridley,  
20 Nick Crawford, and ultimately the speaker himself realized  
21 that this company was owned and operated by Cade Cothren.

22 Now, I can't give you everything in this  
23 statement that I expect the case to show because it's going  
24 to last a pretty long time, but I will say this and probably  
25 do this in conclusion:

1           Glen Casada, not knowing that he was doing  
2 anything wrong, stepped into something that involved people  
3 other than him. You'll need to be careful to watch the  
4 proof as it comes out little by little as to whether he was  
5 really that involved in anything other than as a vendor who  
6 expected to make a small amount of money and who had no  
7 participation whatsoever in the creation of this company  
8 that they say was created falsely.

9           And, by the way, it was created in New Mexico,  
10 which permits creation of corporations by anonymous people.  
11 That doesn't sound good to us in Tennessee, but that's what  
12 they do out there. There was nothing illegal about that.

13           We're confident that, after you consider all of  
14 these things, ladies and gentlemen, that you will come to  
15 the conclusion that the only possible verdict as to Glen  
16 Casada is that of not guilty.

17           Thank you.

18           **THE COURT:** All right. Thank you, Mr. Yarbrough.  
19           Ms. Sherwood?

20           **MS. LONGNECKER:** Your Honor, may I approach,  
21 please?

22           **THE COURT:** Yeah.

23           (WHEREUPON, a bench conference was had out of the  
24 hearing of the jury, as follows:)

25           **MS. LONGNECKER:** Two questions for the Court.

1           One is I really need a restroom break; and, two,  
2 my opening is probably going to take, like, 45 minutes to  
3 50 minutes.

4           **THE COURT:** Oh, you're going to -- how did I --

5           **MS. LONGNECKER:** Yes. I'm sorry. And so would  
6 the Court be willing to take a break now?

7           **THE COURT:** Yeah. The only reason I didn't break  
8 now was I thought you might want to, you know, get your  
9 story out there before there was a break. And if you don't,  
10 I'm certainly fine with that.

11          **MS. LONGNECKER:** Nature is calling, so . . .

12          **THE COURT:** Yeah, it's understood. It's probably  
13 a more logical time to break in terms of our overall  
14 schedule. So that's fine.

15          **MS. LONGNECKER:** I really can't.

16          **THE COURT:** Well, you know, these things happen.  
17 So we'll take a 15 minutes.

18          All right. Thanks.

19          (WHEREUPON, the bench conference concluded, and  
20 the following took place within the presence and hearing of  
21 the jury:)

22          **THE COURT:** All right, folks. Had a discussion.  
23 It does make sense at this time to take a break, and so  
24 we'll go on our midmorning break. Take about 15 minutes,  
25 come back, and then Ms. Longnecker will deliver an opening

1 on behalf of Mr. Cothren.

2 So please remember my admonitions, and you may  
3 step down. Thank you.

4 (WHEREUPON, the jury was excused from the  
5 courtroom at 10:21 a.m., with matters being heard in open  
6 court as follows:)

7 **THE COURT:** All right. Thanks, folks. The Court  
8 would encourage discussion on break to sort of further  
9 address the issues that are still outstanding between the  
10 parties, particularly the ones that may come up on the first  
11 witness.

12 All right. We'll stand in recess.

13 (Recess 10:22 a.m. to 10:40 a.m.)

14 **THE COURT:** All right. Anything to raise with  
15 the Court?

16 **MR. PHILLIPS:** Just briefly, Your Honor, to  
17 update the Court on the way that the parties, I believe  
18 jointly, agree that the government should approach the 2019  
19 scandal in its direct examination at least.

20 I believe that the parties have an agreement that  
21 there are sort of a series of six yes-no questions that the  
22 government will direct its witnesses to answer as to yes or  
23 no regarding some of those underlying facts that will not  
24 delve into the substance of the scandal.

25 The parties agree that the government may ask

1 open-ended questions that go to materiality and, for  
2 example, the effect of the defendants' reputations on the  
3 witnesses in the wake of that scandal, and that this does  
4 not -- this agreement does not limit the scope of the  
5 defense's cross at all nor, you know, the government's on  
6 redirect.

7 If something changes in that assessment, the  
8 government has advised at least its first witness, who is  
9 all we had a chance to confer with on the break, that that  
10 witness should not get into the substance of the scandal  
11 unless and until directed that she may by the Court.

12 **THE COURT:** Very well. Thank you, Mr. Phillips.  
13 That sounds reasonable to me.

14 Does that sound right to defense counsel? Is  
15 that where we are on this?

16 **IN UNISON:** Yes, Your Honor.

17 **THE COURT:** All right. Sounds like the way to  
18 proceed. Thank you.

19 All right. Anything else of a preliminary  
20 nature?

21 No? All right. We can call in the jury. Thanks  
22 very much.

23 (WHEREUPON, the jury reentered the courtroom at  
24 10:42 a.m., with matters being heard in open court as  
25 follows:)

1           **THE COURT:** All right. Thanks very much, folks.  
2 Please be seated.

3           All right. Ms. Longnecker, if you're ready to  
4 proceed.

5           **MS. LONGNECKER:** Thank you, Your Honor.

6           Good morning, ladies and gentlemen. My name is  
7 Joy Longnecker, and my co-counsel is Cynthia Sherwood, and I  
8 represent Cade Cothren in this case.

9           Cade Cothren is innocent of every single charge.  
10 And this is our first opportunity -- our first chance to  
11 finally tell Cade's side of the story.

12           The prosecution has literally made a federal case  
13 out of junk mail.

14           How do I know that? How can you know that?

15           Because the State of Tennessee didn't lose a  
16 single dollar. Because everybody got what they paid for.  
17 And because these supposed bribes and kickbacks that were  
18 lining the pockets of Glen Casada and Cade Cothren were  
19 actual compensation, payment, for services, payment for work  
20 that they did on these constituent mailers.

21           Now, the world of politics is a different world.  
22 Most of us are not familiar with that world. We don't live  
23 in that world. We don't work in that world.

24           You and I may not treat our colleagues the same  
25 way that you're going to hear some of these legislators talk

1 about. We may not conduct business the same way that you're  
2 going to hear some of these legislators talk about in this  
3 case. But at the end of the day, what you will see is what  
4 happened in this case, which is politics and business as  
5 usual on the hill.

6 The prosecution wants you to believe that the  
7 Tennessee General Assembly is filled with people of the  
8 highest utmost character. They hold themselves to the  
9 highest moral standards. And they would never work with  
10 anyone who had made a mistake, who had exercised poor  
11 judgment, who had made a bad decision at any point in their  
12 life.

13 In other words, the prosecution wants you to  
14 believe that the general assembly is like a house of worship  
15 whose members cannot abide a scandal. But you will see in  
16 this case that the Tennessee General Assembly is not a house  
17 of worship; it's a fraternity house.

18 And in this case, we expect you will see evidence  
19 that, contrary to what the prosecution is selling you, these  
20 Tennessee legislators work every day with people who have  
21 been involved in scandals: Tennessee state senator,  
22 multiple state representatives, our own secretary of state.

23 And I don't mention these other scandals in an  
24 effort to try to embarrass any one member of the general  
25 assembly; I only mention it to encourage you all to keep all

1 of this in context and to understand that this is the  
2 general assembly that we have in Tennessee. This is the  
3 backdrop for this case.

4 And you all, your job will be to decide what to  
5 make of this evidence. Your job will be to decide was this  
6 scandal really as impactful? Did these legislators really  
7 care as much as they may say now after the fact?

8 The prosecution will do everything they can to  
9 make you think the worst of Cade. But no matter what they  
10 say in this case, they will not be able to prove that Cade  
11 committed a single federal crime.

12 During this case, we fully believe the evidence,  
13 the full story will be told. You will find out what really  
14 happened, why there is no crime and why the prosecution is  
15 wasting your time.

16 Now, we don't think this case is, and we don't  
17 think it ever was, about the roughly \$51,000 that the state  
18 paid for these constituent mailers that are at issue in this  
19 case.

20 Now, I say \$51,000 total. Okay? Anybody in  
21 business understands that the amount of money that comes  
22 into the business is not the profit that is earned by the  
23 people in that business. And we think you'll hear that,  
24 just like Mr. Casada, Cade Cothren's portion, his profits,  
25 what he lined his pockets with, ladies and gentlemen, on



1 these constituent mailers was somewhere in the neighborhood  
2 of \$8,000.

3 Now, the evidence will show that Cade was a  
4 skilled political strategist, someone who was good at  
5 helping people get elected. And helping people get elected  
6 was one of the reasons he founded Phoenix Solutions.

7 And we think you'll hear witnesses say that  
8 members of the Tennessee House of Representatives continued  
9 to reach out to Cade even after he resigned, even after this  
10 terrible scandal broke. Okay?

11 Cade was, we expect you'll hear, so good at what  
12 he did, in fact, that the speaker of the house, Cameron  
13 Sexton, approached him, asked him for help, asked him to  
14 help him win the race for speaker after Mr. Casada stepped  
15 down.

16 And Mr. Sexton did, in fact, win that speaker's  
17 house race with Cade's help.

18 And you'll also hear that, as Mr. Yarbrough said,  
19 right after Cameron Sexton became the speaker of the house,  
20 he very quickly started meeting with the FBI. And you'll  
21 also see in the evidence that this was months before Phoenix  
22 Solutions was ever even formed.

23 Now, you've heard people mention Glen Casada's  
24 company, Right Way Consulting. You've heard about  
25 Ms. Smith, Robin Smith, the cooperator in this case. You'll

1 hear that she had her own company, River's Edge Alliance.

2 And we expect the testimony to be that these  
3 companies were similar. They were private businesses that  
4 each of these two state representatives had that they would  
5 use to help people campaign, to help them get elected, when  
6 they weren't working in the legislature.

7 And we think you'll hear that Robin Smith, just  
8 like Mr. Casada, had a knack. Just like Cade, she was good  
9 at helping people get elected.

10 Now, we think you'll hear that, after Cade helped  
11 Cameron Sexton win the race for speaker of the house, that  
12 Glen and Robin and Cade started talking about this  
13 constituent mail business in the fall of 2019. And at this  
14 time, you'll also hear that Glen and Robin were still  
15 serving. They were still elected members of the Tennessee  
16 House of Representatives.

17 The first thing I'm going to ask you to pay very  
18 close attention to in this case is the thing that Mr. Casada  
19 and Ms. Smith were doing for their private political  
20 consulting businesses and the things that they were doing as  
21 state representatives. That critical difference will make a  
22 huge, huge impact in this case.

23 That's the first thing I'm going to ask you to  
24 pay attention to. When you're listening to the evidence,  
25 ask yourselves how is Glen acting? How is Robin acting? Is

1 she acting as a state representative or acting as a private  
2 business owner?

3 And understanding the difference between what  
4 Glen and Robin are doing as public officials is also  
5 important for Cade because Cade is charged with federal  
6 crimes that involve helping someone, a public official,  
7 commit crimes by paying them bribes and kickbacks. So that  
8 distinction is really important for Cade too.

9 Now, this matters too because, as you heard  
10 during jury selection, our Tennessee legislature only meets  
11 part time. They are only in session for part of the year  
12 from about January to April. And so a lot of legislators  
13 have jobs outside of the legislature that they work at when  
14 they're not going up on Capitol Hill.

15 And, in fact, you may see people testify who have  
16 been subpoenaed in this case, state representatives who have  
17 hired another state representative who also happens to be a  
18 lawyer. So state representatives in Tennessee, they often  
19 wear two hats in that way.

20 Now, towards the end of the fall of 2019, Cade  
21 Cothren started his own company, Phoenix Solutions. And, as  
22 the government and the prosecutor mentioned -- and  
23 Mr. Yarbrough mentioned that you'll see evidence showing  
24 that Cade did what entrepreneurs do.

25 When they start a business, they register to do

1 business. He filed articles of incorporation. He opened a  
2 bank account. He built a website.

3 And you'll hear testimony about the formation of  
4 Phoenix Solutions. And you'll hear that Cade used a  
5 pseudonym, Matthew Phoenix. We don't and we won't deny that  
6 Cade set up Phoenix Solutions in a way that would allow his  
7 ownership information to remain private.

8 So why was privacy so important to Cade? Well,  
9 you'll see and hear evidence showing what his life was like  
10 after he resigned. People who were in Tennessee, and  
11 particularly Nashville, in 2019 when news of the scandal  
12 broke, they understood. It was in the papers every single  
13 day.

14 And what we don't often hear about is the person  
15 who's the subject of those articles, what life is like for  
16 that person who is being written about every single day, how  
17 the media camped outside his apartment, how they followed  
18 him everywhere he went, how they wrote about his every move,  
19 how they went through his trash. So privacy was very  
20 important to Cade in this business.

21 You may hear and see evidence that privacy was  
22 important for Phoenix Solutions clients as well. This is  
23 politics, after all.

24 Now, there are three different types of mailers,  
25 three different types of work that you're going to hear

1 about in this case. And the difference among these three  
2 types of mailers is also really important. So that's the  
3 second biggest thing that I'm going to ask you to pay  
4 attention to.

5 The first thing is how is the person acting? Are  
6 they acting as a public official or are they acting as a  
7 private business owner?

8 This is the second big thing that I'm going to  
9 ask you to pay attention to in this case, the three  
10 different types of mailers.

11 The first type you've already heard about.  
12 That's the constituent mailer. The constituent mailer is  
13 the only mailer that matters in this case. The constituent  
14 mailer is what every single one of these charges in this  
15 case are about. What's a constituent mailer?

16 A constituent mailer is similar to those things  
17 that you see come into your mailbox. There can be two  
18 different kinds. All right? So the content of a  
19 constituent mailer is really important. That's what makes  
20 it different from other types of political mailers.

21 And the most significant difference between the  
22 constituent mailer, the reason why it and not the other work  
23 is the subject of federal charges in this case, is because a  
24 constituent mailer involves public taxpayer money. Okay?

25 So a constituent mailer involves public dollars

1 that can be used to send this mail out to the particular  
2 people in a representative's district.

3 The other difference between a constituent mailer  
4 and the other types of mailers you may hear about is the  
5 content of that mailer.

6 A constituent mailer, because public money is  
7 being used to pay for that mailer, cannot be political. I'm  
8 going to explain just in a moment the difference in the  
9 other types of mailers that can be political.

10 A constituent mailer has to be informative. It  
11 cannot take a position on an issue. It cannot say vote for  
12 me. All it can do is one of two things, and you'll see both  
13 types in this case.

14 A constituent mailer can be a survey. It's a way  
15 for a representative to reach out to the voters in this  
16 district and say, hey, I want to hear from you. How do you  
17 feel about this issue? How do Tennesseans feel about this,  
18 right?

19 So they would send a survey out. And some of the  
20 voters might fill out that survey and send it back and let  
21 their representative know how they feel about a certain  
22 issue.

23 A second type of constituent mailer you may see  
24 is a legislative update. Here's what we've been up to in  
25 the legislature. Here are some of the bills that have been

1 passed. Here are some of the great things that are  
2 happening in this district. Or here are some of the things  
3 that we're going to tackle in this upcoming legislative  
4 session. I want you, the voters, to know what we're doing  
5 up on Capitol Hill.

6 So two types of constituent mailers, the only  
7 mailer that matters, the only mailer that involves public  
8 dollars: Nonpolitical content; has to be informative.  
9 Okay.

10 Above all else, a constituent mailer cannot be a  
11 campaign piece. It can't be a campaign mailer. A campaign  
12 mailer is a political mailer. It's the kind of junk mail  
13 that it was also filling our inboxes -- or our real  
14 mailboxes, rather -- at the end of 2024. We just finished  
15 an election cycle. We had a presidential election and a  
16 bunch of other elections. You probably saw lots of these  
17 mailers filling your mailbox.

18 Campaign mailers are different from constituent  
19 mailers in two big ways: First, how they're paid for.  
20 Campaign mailers are paid for with private donor money,  
21 nontaxpayer dollars.

22 A campaign mailer is also different because of  
23 the content, because you are allowed in a campaign mailer to  
24 say pretty much whatever you want. You can say vote for me,  
25 I'm the best person, here's what I stand for. Or you can

1 say don't vote for that person. You shouldn't vote for that  
2 person, and here's why. It can be an attack ad. Anything  
3 for a campaign mailer. It's political. It's private money.

4 And the process for doing a campaign mailer is  
5 pretty simple. The representative or the person running for  
6 office says I want to do a mailer. And then they go out and  
7 they hire somebody to do their mailer. And that's it.  
8 Again, this is private money. There's no controls that  
9 matter in this case for campaign work.

10 The constituent mail did have a process, and we  
11 think you'll hear about that process in this case because  
12 the constituent mail was using taxpayer dollars. And  
13 because the content could only be informative, it couldn't  
14 be political, there was a review process in place.

15 So the process was pretty informal. And it  
16 worked a little something like this: Again, state  
17 representative A says I want to do a constituent mailer.  
18 They decide who they're going to hire. Could be Glen's  
19 company, could be Robin's company, could be whoever.

20 That mail vendor will work with them and decide  
21 what kind of constituent mailer do you want? Do you want an  
22 update? Do you want a survey?

23 Once the design of the mailer is ready, in this  
24 case, Glen or Robin would take that design. They would run  
25 it by the state representative, make sure they were okay



1 with it. And then they would send it to the speaker's  
2 office, the speaker of the house.

3 And the speaker of the house's rule when it came  
4 to these constituent mailers, you'll see it was very  
5 limited. It was literally looking at the proof of the  
6 mailer, looking at the content, making sure it wasn't  
7 political. If it was political, they might suggest some  
8 changes. Then they would send it back to Glen or Robin and  
9 say this is approved or it's approved but you've got to make  
10 these changes. Okay?

11 Once the proof was ready, Glen and Robin would  
12 turn it over to Cade. Cade handled all of the operation  
13 like the back office piece, the logistics, of doing the  
14 mailers. He worked with the graphic designer. He worked  
15 with the printer. He worked with the bulk mailer.

16 And at the end after these mailers had gone out,  
17 Glen and Robin again would work with the state  
18 representative and they would help submit the request for  
19 payment from the state from the representatives' postage and  
20 printing account.

21 The third type of mailer that you'll hear  
22 about -- you may hear about is the caucus mailer. Okay?

23 So constituent mailer is the only mailer that  
24 matters. Campaign mailers, private dollars. Caucus  
25 mailers, also private dollars. And when I say "caucus," you

1 may be sitting there wondering what is the caucus?

2 Well, the Republican caucus is just the  
3 organization or group of all of the elected Republicans in  
4 the House of Representatives. They are all -- they all make  
5 up the Republican caucus. There's also a group for Democrat  
6 elected state representatives. That's the Democratic  
7 caucus. Okay? So when you hear about caucus, that's what  
8 it's referring to. It's referring to the group of state  
9 representatives in the house who are registered Republicans.

10 And importantly, as I said, caucus work too is  
11 paid for with private dollars. And you may hear about the  
12 caucus work and that it had its own process that was very  
13 different than what I just described the constituent mail  
14 process. It had nothing to do with the speaker's office,  
15 had nothing to do with content approval. These were  
16 campaign political mailers that were funded or routed  
17 through the Republican caucus.

18 Now, why? Why is it different? Why is  
19 understanding the difference -- why am I taking the time to  
20 tell you about these different types of mailers?

21 Well, the distinction is really important because  
22 Cade has been charged with federal crimes which involve  
23 public money and public officials. And because all of the  
24 charges in this case arise only from that constituent mail  
25 work, please listen very carefully when the witnesses are

1 talking and ask yourselves are they talking about a  
2 constituent mailer? Because that's the only mailer that  
3 matters. Or are they talking about a campaign mailer? Or  
4 are they talking about a caucus mailer, something to do with  
5 the caucus?

6 That distinction is really important. So now  
7 that you know the differences and the three different  
8 buckets, I'm going to turn back to the facts.

9 Now, the prosecution, not surprisingly, spent a  
10 lot of time in their opening talking about all the ways that  
11 Robin and Glen and Cade tried to keep Cade's identity and  
12 their relationships with Phoenix Solutions a secret.

13 We think you'll soon see that Glen and Robin were  
14 pitching themselves when it came to the constituent mailer  
15 work, not Phoenix Solutions. And, ultimately, we think the  
16 evidence will show that Glen and Robin, not mentioning every  
17 single person who was going to be working on the mailer with  
18 them, including Cade and Phoenix Solutions, didn't matter  
19 one bit. No.

20 You will also likely hear very soon that Robin  
21 and Glen were not approaching complete strangers in the  
22 legislature. They approached their friends, their  
23 colleagues, the people that they had been serving with in  
24 the house for years.

25 And -- and this is really important -- we expect

1 you'll hear witnesses testify that what Glen and Robin were  
2 doing, that state representatives doing mailer work, being  
3 paid with postage and printing dollars for work that they're  
4 doing for other state representatives, had been going on for  
5 years.

6 Glen and Robin were not the first state  
7 representatives to do this, ladies and gentlemen, and you  
8 will see that in this case. In other words, what Glen and  
9 Robin were doing was just politics and business as usual on  
10 the hill.

11 Now, the fact that Glen and Robin actually worked  
12 actively on these constituent mailers is something else we  
13 expect to be revealed in the e-mails and the text messages  
14 and through the witness testimony that you'll hear in this  
15 case. And we expect those same witnesses to testify that  
16 Glen and Robin and Cade did a great job with these mailers.  
17 They were very happy with the work. And everybody got what  
18 they paid for.

19 Now, from the prosecution's perspective, this  
20 case stems, arises from the scandal and Cade's resignation  
21 as chief of staff. But Cade Cothren's story begins well  
22 before that.

23 To fully understand the evidence in this case,  
24 you need to know who Cade Cothren is, why he was so good at  
25 helping people get elected, and why people continued to want

1 to work with him even after he resigned.

2 This world, this world of politics, was really  
3 familiar to Cade. He grew up around politics. He's a  
4 native of Lawrenceburg, Tennessee. His dad, Eddie, ran for  
5 city council. His Grandpa Elmer ran for sheriff. His Uncle  
6 John served as an elected state representative. And some of  
7 Cade's earliest memories are working as a page on the floor  
8 of the house, going and getting water, pens, or notebooks,  
9 paper for the representatives when the legislature was in  
10 session.

11 So it should be no surprise that Cade went to  
12 college. He went to community college and had a 4.0 GPA,  
13 went on to finish his undergrad at the University of  
14 Tennessee, Knoxville.

15 There -- politics is in his blood -- he majored  
16 in political science. But he still wasn't quite sure what  
17 he wanted to do with his life, so he saw a posting for an  
18 internship in the Tennessee General Assembly. He applied,  
19 and he was selected for this prestigious internship that he  
20 started his spring semester of his senior year at UTK, the  
21 spring of 2010.

22 We think you'll hear that he spent the whole  
23 semester working for two different state representatives.  
24 He learned all about the legislative process, how a bill  
25 becomes a law, Robert's Rules of Order, some of the things

1 that you're going to hear about in this case, which I  
2 apologize in advance. May feel like eighth grade civics  
3 again. But he learned all about that when he was interning  
4 in the Tennessee house.

5 And he fell in love with it. He loves politics.  
6 He's built for this. And so it's no surprise that after he  
7 graduated from college, he started working on two different  
8 state representatives' campaigns that fall. That was the  
9 2010 election cycle.

10 We think that after that you may hear he worked  
11 for a U.S. congressman, and after that he was recruited by  
12 the Tennessee Republican caucus, that I just mentioned to  
13 you, to be hired as press secretary. You know who hired  
14 him? Glen Casada. That was 2013. That was the start of  
15 Cade and Glen's working relationship together.

16 And as Glen rose through the ranks of the  
17 leadership in the house, Cade also rose. When Glen became  
18 house majority leader, Cade became the director of  
19 communications for the caucus. When Glen became speaker of  
20 the house, he hired Cade to be his chief of staff.

21 And Cade, when he was hired by Glen Casada to be  
22 chief of staff, he was 32 years old. This was his dream  
23 job.

24 Now, Cade's political savviness quickly earned  
25 him the respect of the elected state representatives he

1 worked with in the house and on the campaign trail. But we  
2 do expect the evidence to show that Cade and Glen made a few  
3 enemies along the way, as politicians tend to do.

4 And we also expect that you'll hear that, when  
5 Cade was a young 20-something-year-old staffer working in  
6 the Tennessee General Assembly, working for the -- one of  
7 the three most powerful men in Tennessee, he said and he did  
8 things that he deeply regrets.

9 We expect witnesses will testify about the  
10 scandal. We fully expect they will testify about Cade's  
11 resignation. Other witnesses may tell you what they saw and  
12 observed about what he went through after he resigned.

13 But let me pause here and say we are not trying  
14 to make you feel sorry for Cade Cothren. Cade resigned from  
15 his chief of staff position for a reason, a good reason. He  
16 made some mistakes, and he has paid dearly and continues to  
17 pay dearly to this day for those mistakes and the things  
18 that he did as a young man nearly a decade ago.

19 So the prosecution has already mentioned this  
20 scandal involving Cade and Glen that prompted Cade's  
21 resignation. And again, we're not here to defend, we're not  
22 here to condone any of the things that led to Cade's  
23 resignation.

24 But you will see throughout this case that  
25 people -- and by "people," I mean the prosecution and the

1 federal agents -- thought that what Cade did was so bad,  
2 that he was such a bad person and a sinner, that he must  
3 have committed a crime.

4 **MR. PHILLIPS:** Your Honor, objection to the  
5 argument.

6 **THE COURT:** Response?

7 **MS. LONGNECKER:** This is what I expect the  
8 evidence to show, Your Honor.

9 **THE COURT:** Well, the -- well, all right. If  
10 counsel want to approach, please.

11 (WHEREUPON, a bench conference was had out of the  
12 hearing of the jury, as follows:)

13 **THE COURT:** All right. And this matches my  
14 recollection reading from this statement.

15 "You'll see throughout this case that people --  
16 and by 'people,' I mean the prosecution and the federal  
17 agents -- thought that what Cade did was so bad, that he was  
18 such a bad person and a sinner, that he must have committed  
19 a crime."

20 That was a comment on what counsel expects the  
21 evidence to show. So I think that's fine. I do think --  
22 and I think I've given this warning before -- if it turns  
23 out that, at the end of the day, no agent said something  
24 like that or the evidence doesn't otherwise support what  
25 counsel told the jurors to expect, the government's welcome



1 at closing to make it blow back on the defendants.

2 So to me, when counsel makes a statement in the  
3 form of what we expect the evidence to show, that -- and  
4 there can be a line between that and argument. I think this  
5 was clearly on the side of what we expect the evidence to  
6 show, and I think that's fine.

7 I think the government's remedy would be on the  
8 back end to say why it doesn't matter or why the expectation  
9 was not, in fact, met, the expectation set by the defense  
10 counsel was not met.

11 So I'll overrule that objection.

12 **IN UNISON:** Thank you.

13 (WHEREUPON, the bench conference concluded, and  
14 the following took place within the presence and hearing of  
15 the jury:)

16 **THE COURT:** All right, Ms. Longnecker. You may  
17 proceed.

18 **MS. LONGNECKER:** Thank you, Your Honor.

19 As I was saying, we think the evidence will show  
20 that certain people made a decision, the prosecution made a  
21 decision. They thought that what Cade did was so bad, that  
22 he was such a sinner, that he must have committed a crime.

23 And we also expect you'll hear testimony that  
24 certain state representatives and people in the general  
25 assembly, they didn't like Cade. Some of them didn't like

1 Glen. They wanted them both gone from the general assembly  
2 forever.

3 But while Cade may very well be a sinner, he is  
4 not a criminal. Cade Cothren is innocent of every single  
5 charge, every single crime he's been charged with. And at  
6 the close of all the evidence, we think you'll agree.

7 So let me be clear. We are not going to put on  
8 evidence, not going to try to convince you that anybody  
9 involved in this case is a bad person. But we do think that  
10 you will see evidence throughout the prosecution's case of  
11 confirmation bias. This means that we think the evidence  
12 will show that the prosecution was looking at the evidence  
13 through the eyes of someone who already decided that Cade  
14 had committed a crime and went out looking for evidence to  
15 support that conclusion. He went out to confirm what they  
16 already believed.

17 But confirmation bias also means that you ignore  
18 evidence that doesn't intend to prove your belief. You  
19 ignore evidence that tends to prove someone's innocence.  
20 And we think that you'll see that evidence too, evidence  
21 that was ignored because it didn't jibe with the  
22 prosecution's theory that Cade had committed a crime.

23 As jurors, we are counting on you to evaluate the  
24 evidence fairly, to look at the witnesses and the evidence  
25 with a fresh set of eyes without any confirmation bias or

1 any bias at all. That's why we spent so much time in jury  
2 selection yesterday. And without that and without any bias,  
3 ladies and gentlemen, we think you will clearly see that  
4 there is no crime and the prosecution is wasting your time.

5 Let's talk about the charges.

6 At the end of the case, the judge will instruct  
7 you on the law. We expect the judge will tell you all of  
8 the elements that the prosecution will have to prove beyond  
9 a reasonable doubt for every single one of these charges.  
10 And they will have to prove all of those elements beyond a  
11 reasonable doubt.

12 The first charge is federal program theft. The  
13 prosecution has charged Cade with helping Glen essentially  
14 steal money, obtain money, by fraud, defrauding the state of  
15 Tennessee through their constituent mailer work. I'm going  
16 to focus on a few of the elements, few of the things related  
17 to federal program theft that we expect the judge will  
18 explain at the end of the case and which the prosecution  
19 will have to prove to you, again beyond a reasonable doubt.

20 First, we think the judge will tell you that you  
21 have to find that Glen, maybe even Robin, too, were acting  
22 as public officials when they were doing this constituent  
23 mail work. They were acting as public officials in  
24 connection with the -- hang on -- in connection with the  
25 charges in the indictment.

1           **MR. PHILLIPS:** Your Honor, this is legal  
2 instruction for closing.

3           **THE COURT:** Yeah, I would agree with that, so I'm  
4 going to sustain the objection on that.

5           I think counsel's allowed to continue to remark  
6 on what she thinks the evidence will show. I do think that  
7 that goes beyond that. So I'll sustain --

8           **MS. LONGNECKER:** It's not what we think the  
9 instructions will be but what we think the evidence will  
10 show.

11           **THE COURT:** I myself didn't take it that way, so  
12 I'm going to sustain the objection. But you're welcome to  
13 phrase your next remark however you see fit. We'll see how  
14 it goes.

15           **MS. LONGNECKER:** Thank you, Your Honor.

16           Second, we think that you will have to find some  
17 evidence of a fraudulent intent in this case. We think that  
18 the prosecution will have to prove to you that Glen and Cade  
19 intended to commit fraud in this case, intended to harm the  
20 state of Tennessee. And we think the issue of whether Glen  
21 and Robin and Cade earned this money or if they were, in  
22 fact, bribes and kickbacks is also an issue that you will  
23 have to pay attention to in this case.

24           Now, the second charge is federal program bribery  
25 and kickbacks.

1           The prosecution just sat up here and told you  
2   that Cade's constituent mailer payments to Glen and Robin  
3   were kickbacks. Here again, I'm going to talk about some  
4   things that may be important for you to think about when  
5   you're evaluating the evidence, when you're thinking about  
6   whether Cade ever paid any kickbacks to anyone, including  
7   Glen Casada.

8           First, we think it's going to be important for  
9   you to look at how Mr. Casada was acting. Was he acting as  
10   a state representative, or was he acting as a private  
11   business owner?

12          Second, we think it's going to be important to  
13   consider whether Glen and Robin earned the money that they  
14   were paid for their constituent mailer work.

15          Third, we think it will be important for you to  
16   consider whether there will be evidence of a quid pro quo.  
17   That's a Latin term. It just means this for that. We think  
18   there will have to be evidence of a quid pro quo, a corrupt  
19   agreement between Mr. Casada and Mr. Cothren where  
20   Mr. Cothren agrees to pay Mr. Casada some money in exchange  
21   for something Mr. Casada is going to do, an official act.

22          Some of you heard that term during jury  
23   selection. So I wanted to provide further context for what  
24   that means.

25          Now, the judge will tell you exactly what a quid

1 pro quo is. The judge will tell you exactly what an  
2 official act is. But for right now, think about an official  
3 act as if --

4 **MR. PHILLIPS:** Your Honor, I'm going to object to  
5 the definition of an "official act" in opening.

6 **THE COURT:** I'm going to sustain the objection.  
7 I really think, instead of discussion about what the  
8 evidence is going to be, we have a discussion about what  
9 evidence might be important and what evidence is required to  
10 prove the crime. So I'm going to sustain the objection.

11 You may continue.

12 **MS. LONGNECKER:** Now, as I said, the judge is  
13 going to instruct you on all of these charges. The judge is  
14 going to tell you what the prosecution is required to prove.  
15 So in that vein, there are five very key points that I want  
16 you to keep in mind as you listen to the witnesses and you  
17 look at all the evidence in this case.

18 First, I want you to remember that the only  
19 mailer that matters is the constituent mailer. The  
20 constituent mailer is the only mailer that public taxpayer  
21 dollars were used to pay for. Campaign mailers are not at  
22 issue. Caucus work and mailers are not at issue in this  
23 case.

24 And we think that you'll hear that Glen and  
25 Robin, again, doing this constituent mail work for other

1 state representatives was nothing new. Other  
2 representatives have been doing it for years.

3 Second, the alleged fraud. Want you to pay  
4 attention to this theory that the prosecution has, that the  
5 scandal was so bad that no state representative would have  
6 dared work if they knew that Cade Cothren was in some way  
7 involved with their constituent mailer.

8 We do not expect the evidence will support that  
9 theory. We think you'll have plenty of reasons to question  
10 any state representative's testimony in that regard, and it  
11 will be your job, as the jury, to decide what to make of  
12 this testimony, whether Cade's participation or involvement  
13 with the constituent mailers really made a huge difference  
14 to these state representatives. We think the evidence will  
15 show it did not.

16 Third, the third thing I want you to pay  
17 attention to is the amount of money, the amount of dollars  
18 that the state of Tennessee lost as a result of this  
19 constituent mailer work. And that, ladies and gentlemen,  
20 the evidence will show is zero. Zero dollars. We expect  
21 witness after witness after witness to testify that Glen and  
22 Robin did exactly what they were hired to do.

23 Fourth, the lack of any bribes, the lack of any  
24 kickbacks, the lack of any agreement to pay Glen or Robin  
25 any bribes or kickbacks for their constituent mail work.

1           Pay close attention. We want you to pay close  
2 attention to the evidence on this issue. We want you to be  
3 looking for evidence of some agreement by Glen to do  
4 something in his role as a public official in exchange for  
5 these constituent mailer payments.

6           We want you to listen to the evidence about what  
7 Cade was paying Glen and Robin for. This is important  
8 because we think the evidence will show that Cade paid Glen  
9 and Robin's companies for their constituent mailer work, not  
10 for anything official they were going to do as state  
11 representatives.

12           Please, when you're listening to this evidence,  
13 decide, ask yourselves, was this money earned? Did Glen and  
14 Robin do work? Did they work on these mailers? We think  
15 the evidence will show that they did. And, again, we expect  
16 every single state representative to testify that they got  
17 what they paid for.

18           Fifth, the last thing I want to ask you to pay  
19 attention to, is again the roles of Glen and even Robin  
20 Smith. I want you to pay attention and ask yourself what is  
21 Glen doing? Is he doing it as a state representative? Or  
22 is he doing it as a private business owner? Same thing for  
23 Robin Smith.

24           We think the evidence will show that Glen and  
25 Robin just went around to their friends and their



1 colleagues, people they had known for years in the  
2 legislature, and asked, "Hey, can I do your constituent  
3 mailer?"

4 In other words, we expect the evidence to show  
5 that Glen and Robin were asking their fellow state  
6 representatives for their business, not their vote. That  
7 difference between a state representative's official duties  
8 and a state representative's private business activities is  
9 extremely important here, particularly when it comes to the  
10 bribery and kickback charges.

11 Now, if you paid close attention to these five  
12 key points, these five things that you know what to look for  
13 in this case, we are confident that the evidence will  
14 support just one conclusion, and that is that Cade did  
15 nothing unlawful, he did nothing illegal.

16 So if this is all true, some of you might be  
17 sitting there asking yourselves, why are we here? This may  
18 not be the only time you're asking yourself that question if  
19 you're already asking yourself that question.

20 Others of you, like we talked about yesterday or  
21 the day before, might be thinking like, well, I mean, Cade  
22 probably wouldn't be here in this courtroom if he didn't do  
23 something wrong.

24 This is an impressive courthouse. These are  
25 serious proceedings. It's understandable that some of you

1 might be thinking that Cade did something wrong just because  
2 we're here. Right?

3 But we are counting on you not to assume anything  
4 here. You are the finders of fact. You are responsible for  
5 finding the truth. It is now your sworn duty.

6 So let me tell you why I think we're here. I  
7 think you'll see from the evidence that we are here because  
8 the justice system sometimes makes mistakes. And we believe  
9 the evidence and the law in this case supports the defense  
10 and that it will allow you, as the jury, to correct that  
11 mistake.

12 And so since the main questions for you to decide  
13 are whether Cade committed any of the federal crimes that  
14 he's been charged with, let me take a few things off the  
15 table for you. Okay? Things you don't need to spend a lot  
16 of time deciding as a jury.

17 You don't need to decide whether Cade formed  
18 Phoenix Solutions or whether he used the pseudonym Matthew  
19 Phoenix when he was dealing with the state legislature. I'm  
20 telling you he did those things.

21 You don't need to decide whether the State of  
22 Tennessee paid Phoenix Solutions or Glen Casada's company,  
23 Right Way Consulting, or Robin Smith's company, River's Edge  
24 Alliance, for the constituent mailer work. It did.

25 And you don't need to decide whether Glen and

1 Robin and Cade tried to keep Cade's ownership and their  
2 association with Phoenix Solutions a secret. They did.

3 Now, we fully expect the prosecution will keep  
4 throwing more and more evidence of you -- at you of Cade's  
5 sins.

6 You should ask yourself each time why is the  
7 prosecution doing that? You should ask yourself how much of  
8 this evidence is really about the constituent mail work that  
9 we're all here about and what's not about constituent mail  
10 work? And you should ask yourself if the prosecution would  
11 be showing you evidence of things that have nothing to do  
12 with constituent mail work if they had enough evidence of a  
13 crime related to the constituent mail work alone.

14 There will be dozens of witnesses and hundreds of  
15 documents. This is a pretty simple case. Ultimately, you,  
16 as the jury, are the only thing in our system that stands  
17 between the government -- the prosecution -- and citizens,  
18 like Mr. Cothren, who we believe have been wrongfully  
19 accused.

20 So when you're listening to the witnesses and  
21 you're reviewing the evidence, if you don't remember  
22 anything else that I've said other than the constituent  
23 mailers are the only mailers that matter, ask yourself two  
24 things: Does this evidence have anything to do with the  
25 constituent mailer? Does all of this evidence, does this

1 evidence that we're seeing right now prove that Cade  
2 committed a sin, or does it prove that he committed an  
3 actual federal crime?

4 Now, you probably won't like some of the things  
5 you're going to see and hear about our Tennessee General  
6 Assembly in this case -- the backstabbing, the infighting,  
7 the competition, the ambition, and yes, the lies.

8 But here in this courtroom, in this country that  
9 we are all fortunate to call home, the United States of  
10 America, your job, as the jury, is not to decide whether  
11 Cade Cothren committed a sin. Your job is to decide whether  
12 he committed a federal crime.

13 Now, the prosecution has tried to make a federal  
14 case out of junk mail. But we are confident that you, the  
15 jury, will see the evidence much more clearly than they have  
16 and, because Cade has not committed a federal crime, the  
17 prosecution is wasting your time.

18 And at the end of this case, we will come back  
19 and we will ask you for the verdict that -- the only verdict  
20 that we believe that the evidence will support in this case,  
21 and that is a verdict of not guilty on every single charge.

22 On behalf of Cade Cothren, Ms. Sherwood and I  
23 thank you for your service.

24 **THE COURT:** All right. Thank you,  
25 Ms. Longnecker.

1           Okay. Mr. Phillips, if the government wishes to  
2 call its first witness.

3           **MR. PHILLIPS:** Yes, Your Honor. The government  
4 calls Patsy Hazlewood.

5           **THE COURT:** All right.

6           (The witness was sworn.)

7                           \*    \*    \*

8                           **PATSY HAZLEWOOD,**  
9 **was called as a witness, and after having been first duly**  
10 **sworn, testified as follows:**

11                           **DIRECT EXAMINATION**

12 **BY MR. PHILLIPS:**

13 Q.       Good morning, Ms. Hazlewood.

14 A.       Good morning.

15 Q.       Would you just briefly introduce yourself to the jury.

16 A.       My name is Patsy Hazlewood. I served in the Tennessee  
17 legislature in the state house from November of 2014 to  
18 November of 2024.

19 Q.       And what do you do currently, Ms. Hazlewood?

20 A.       I'm retired.

21 Q.       You mentioned that you served in the general assembly.  
22 Is there a document that establishes the existence of the  
23 general assembly?

24 A.       There is. The Tennessee Constitution.

25 Q.       And what are the houses in the general assembly?

1 A. There is the Senate, and then there's the House of  
2 Representatives, of which I was a part.

3 Q. And is representative in the House of Representatives  
4 an elected position?

5 A. It is.

6 Q. Are there political parties in the state of Tennessee?

7 A. There are.

8 Q. Were you elected to office as a member of one of those  
9 political parties?

10 A. I was.

11 Q. Are you familiar with the House Republican Caucus?

12 A. I am.

13 Q. And what was that?

14 A. It is -- the House Republican Caucus is just simply a  
15 group of house members who are part of the Republican party.

16 Q. Are you familiar with someone named Glen Casada?

17 A. I am.

18 Q. And how are you familiar with Mr. Casada?

19 A. I served with him in the legislature. Also, he was  
20 speaker in the legislature for a short period of time while  
21 I served.

22 Q. And do you see Mr. Casada in the courtroom today?

23 A. I do.

24 Q. Can you point him out by an article of clothing?

25 A. In a blue suit. There, standing.

1           **MR. PHILLIPS:** Your Honor, we'd ask that the  
2 record reflect that the witness has identified the  
3 defendant.

4           **THE COURT:** It will so reflect.

5 **BY MR. PHILLIPS:**

6 Q.       Ms. Hazlewood, did you know someone named Cade  
7 Cothren?

8 A.       I do.

9 Q.       Would you identify him by an article of clothing if  
10 you see him in the courtroom today.

11 A.       He has a blue suit and a red tie, with a beard.

12           **MR. PHILLIPS:** Your Honor, we'd ask that the  
13 witness identified Defendant Cothren.

14           **THE COURT:** All right. The record will so  
15 reflect.

16 **BY MR. PHILLIPS:**

17 Q.       Ms. Hazlewood, for this series of questions, I just  
18 want you to answer yes or no. Okay?

19 A.       Okay.

20 Q.       Was there a scandal relating to Mr. Cothren and  
21 Mr. Casada around May of 2019?

22 A.       Yes.

23 Q.       Was that scandal widely reported in Tennessee media?

24 A.       Yes.

25 Q.       Did you read any news articles about that scandal?

1 A. Yes.

2 Q. Did the defendants give any quotes to the media in  
3 those articles that you read, if you recall?

4 A. Yes.

5 Q. Did Mr. Cothren resign from his position as chief of  
6 staff just days after the news broke?

7 A. Yes.

8 Q. Due in whole or in part to the scandal, did the House  
9 Republican Caucus hold a vote of no confidence in Mr. Casada  
10 as speaker of the house -- and let me -- sorry -- rephrase  
11 that.

12 Due in whole or in part to the scandal, did a majority  
13 of the House Republican Caucus vote that they had no  
14 confidence in Mr. Casada as speaker of the house?

15 A. Yes, we did.

16 Q. And did Mr. Casada step down from the speakership  
17 shortly after that and remain an ordinary house  
18 representative?

19 A. Yes.

20 Q. All right. I appreciate you bearing with me on that  
21 line.

22 Going back to the normal way we were talking, do you  
23 know Robin Smith?

24 A. I do.

25 Q. And how do you know Ms. Smith?



1 A. Robin headed the Republican party. She was the GOP  
2 party chair in Hamilton County as well as for the state. I  
3 have known her for probably at least 15 years or more and --  
4 casually.

5 I think the first time we actually worked together is  
6 when I was working for the Department of Economic and  
7 Community Development. She represented a client that we  
8 worked with. Then when I decided to run for political  
9 office, Robin is the person that I went to to manage my  
10 campaign.

11 Q. Are you familiar with something called the postage and  
12 printing allowance?

13 A. I am.

14 Q. And would you explain to the jury a little bit about  
15 what that is.

16 A. Members of the legislature have dollars allocated. I  
17 think it's \$3,000 per year that, as a member, you can use to  
18 mail legislative updates to let your constituents know about  
19 what bills you're carrying or what the hot-topic issues in  
20 the legislature are going to be or are under consideration.

21 You can also use that to pay for things like flags for  
22 schools or not-for-profit organizations. We do a lot of  
23 resolutions honoring and memorializing people. You can use  
24 those dollars to frame those and make a nice gift for a  
25 constituent. Those are the kinds of things that it's used

1 for.

2 Q. You may have said this, but who is allowed to use the  
3 postage and printing allowance?

4 A. Each member has an allocation that they can use.

5 Q. Had you used the postage and printing allowance before  
6 2019?

7 A. Yes. I had used it for -- I think I had done one  
8 legislative mailer before, and I'd actually used it for  
9 flags and the other things that I mentioned.

10 Q. So if my math is correct, you'd done one update  
11 between when you joined in 2014 and 2019 roughly?

12 A. I believe that's correct. It's hard to remember  
13 exactly. It's been a while.

14 Q. So were legislators allowed to use the postage and  
15 printing allowance for things like campaign mail?

16 A. No. These are taxpayer dollars funded from the  
17 budget, so they're not to be used for political purposes.  
18 They can be used, as I said, for legislative updates to let  
19 your constituents know what's happening, what you're doing  
20 or what you're focused on, but not for a campaign.

21 Q. Do you know a woman named Connie Ridley?

22 A. I do.

23 Q. And who is Ms. Ridley?

24 A. Ms. Ridley was at the time -- I believe she's retired  
25 now, but she was the person who oversaw the distribution of

1 those funds.

2 Q. And in addition to her role overseeing the  
3 distribution of those funds, did she have other  
4 responsibilities?

5 A. Many. HR responsibilities, a number of other  
6 responsibilities in her role. Director of legislative  
7 affairs, I believe is the title.

8 Q. Do you know if that's a state position?

9 A. It is.

10 Q. Do you know who had the authority to approve or deny  
11 payments under the postage and printing allowance?

12 A. The speaker of the house for the house side had the  
13 ultimate approval to deny or approve those expenses.

14 Q. Did you communicate with Robin Smith about doing mail  
15 pieces under the postage and printing allowance?

16 A. I did.

17 Q. Could you tell the jury about those communications  
18 with Ms. Smith.

19 A. She had done -- as I said, I believe I had done one  
20 mailer prior to that. She had done that mailer for me  
21 because Robin had run all of my campaigns. Then when she  
22 was elected in 2018, I asked her about a mailer, but  
23 recognizing her new role -- because she, like me, was busy  
24 in the legislature -- asked her about creating a mailer or  
25 how to go about doing one during that particular session.

1 Q. Have you heard of a company called Phoenix Solutions?

2 A. Now I have.

3 Q. How did you first hear about Phoenix Solutions?

4 A. When the mailer that was sent out in 2020, the one  
5 that was -- that I paid for in 2020, when the invoice came,  
6 although Robin had forwarded it from her company's e-mail,  
7 River Edge Alliance, the invoice actually was to Phoenix  
8 Solutions.

9 I didn't initially even notice that. When it came to  
10 my attention, I asked Robin about the company. And she gave  
11 me a -- she told me that she knew Matthew Phoenix, that he  
12 had worked -- she had done work with him, that he worked for  
13 a company previously in northeast Tennessee, that he and a  
14 partner had decided to go out on their own and they had  
15 moved to Santa Fe for the lifestyle, but they were familiar  
16 with Tennessee politics and they were going to continue to  
17 do Tennessee political work, and that they could do the work  
18 for me.

19 Q. And this may be obvious, but I think you explained  
20 what she told you about Matthew Phoenix. Did she say  
21 whether there was a connection between Matthew Phoenix and  
22 Phoenix Solutions?

23 MS. SHERWOOD: Objection; leading.

24 THE COURT: Response?

25 MR. PHILLIPS: I can rephrase.

1           **THE COURT:** Okay. All right.

2           The question is withdrawn.

3   **BY MR. PHILLIPS:**

4   Q.     So you explained what Ms. Smith said about Matthew  
5   Phoenix. Did she say anything else about the company  
6   Phoenix Solutions?

7           **MS. SHERWOOD:** Your Honor, I need to object. Is  
8   the government offering this pursuant to 801(d)(2)(E)?

9           **MR. PHILLIPS:** Yes.

10          **MS. SHERWOOD:** May we approach?

11          **THE COURT:** You may.

12          (WHEREUPON, a bench conference was had out of the  
13   hearing of the jury, as follows:)

14          **MS. SHERWOOD:** I was a little bit asleep at the  
15   switch over there, but we'd object to a coconspirator's  
16   statement until the conspiracy has been proven.

17          **THE COURT:** All right. Have you read my order  
18   about how we're doing this?

19          Okay. This is conditionally admitted, subject to  
20   later proof of all requirements for the coconspirator  
21   exception. And, you know, of course, counsel doing the  
22   right thing by taking note of a witness and the approximate  
23   time of the day and can raise this later.

24          So the Court conditionally admits it. And one of  
25   the things I would note in the future is what we can do to

1     avoid sidebars is to have counsel, for the bench, say, look,  
2     this is -- this is hearsay. You can invoke the  
3     coconspirator exception. I will say it's conditionally  
4     admitted, and that will preserve the issue for you.

5                 **MS. SHERWOOD:** Okay.

6                 **MS. LONGNECKER:** Is it possible -- I don't want  
7     to interrupt the direct every question. He's trying to  
8     elicit a statement from Ms. Smith. Could we have a standing  
9     objection to 801 -- and the conditional admittance pursuant  
10    to 801(d)(2)(E), or do you want us to stand up each time and  
11    object for him to make that -- lay that foundation?

12                **THE COURT:** Well, I mean, if we think -- I mean,  
13    we can probably do it conversation by conversation, right?  
14    So Mr. Phillips turns the subject of the testimony to a  
15    particular conversation between an alleged coconspirator and  
16    a witness, I think it's fine to do it, yeah, on a  
17    conversation-by-conversation basis so that this objection,  
18    for example, covers this whole conversation. And it would  
19    be prudent to reraise the objection every time there is a  
20    new conversation or a new e-mail string.

21                You know, multiple e-mails within the same  
22    string, I don't think you'd have to make the objection, for  
23    example, if there is -- you know. So if we want to do it  
24    that way, if there's a question about that, what's  
25    encompassed by the objection, feel free to raise it. But

1 hopefully that won't give folks heartburn as to the -- sort  
2 of the block of questioning that's appropriately encompassed  
3 by one objection.

4 **MS. LONGNECKER:** So this is the -- can we call  
5 this the constituent mailer conversation or topic?

6 **MR. PHILLIPS:** That's fine by me.

7 **THE COURT:** Do you expect for this witness to  
8 cover other conversations with Ms. Smith at a later time?

9 **MR. PHILLIPS:** No.

10 **MS. LONGNECKER:** This may be the only one.

11 **THE COURT:** That should make it easy.

12 **MR. TADDEI:** I will preview there will probably  
13 be some e-mail chains that will be independent exhibits  
14 where this may come up, but my understanding of the Court's  
15 approach to this would be an objection will be made exhibit  
16 by exhibit as long as it's one contained e-mail exchange.

17 **THE COURT:** Correct. Yeah, that could be exhibit  
18 by exhibit, yeah. And not to every particular statement in  
19 the exhibit or, if it's an exhibit that's an e-mail string,  
20 every particular e-mail, yeah.

21 **MS. LONGNECKER:** All that we ask is that we have,  
22 like, maybe 30 seconds to try to find the exhibit so we know  
23 who the topic is about. And I don't want to object  
24 unnecessarily, but I just want to be able to see the exhibit  
25 first and see if it's a different topic or if it's --

1           **THE COURT:** I mean, I do think if, you know, the  
2 offer is made when -- the time the offer is made, if you  
3 need more time to respond to the offer to decide whether to  
4 object or say no objection, just let me know, and I'll give  
5 you the time.

6           **IN UNISON:** Thank you, Your Honor.

7           (WHEREUPON, the bench conference concluded, and  
8 the following took place within the presence and hearing of  
9 the jury:)

10          **THE COURT:** All right. So, Mr. Phillips, you  
11 want to ask another question? You want to proceed that way  
12 or read back kind of where we were?

13          **MR. PHILLIPS:** I think I'd like to ask the same  
14 question subject to the defenses' reservation.

15          **THE COURT:** Yeah, yeah. Subject to that  
16 reservation, you may do so.

17 **BY MR. PHILLIPS:**

18 Q. Thank you, Your Honor.

19 So Ms. Hazlewood, before we broke, I think that I was  
20 asking you if Ms. Smith had told you anything else about the  
21 company Phoenix Solutions.

22          **MS. SHERWOOD:** Objection; hearsay.

23          **MR. PHILLIPS:** 801(d)(2)(E), Your Honor.

24          **THE COURT:** That is conditionally admitted within  
25 the scope of what we just talked about.



1           **MS. SHERWOOD:** Thank you, Your Honor.

2           **THE COURT:** All right.

3           **BY MR. PHILLIPS:**

4           Q.       You may answer, Ms. Hazlewood.

5           A.       She just mentioned again that Mr. Phoenix had started  
6       this company. It was somebody that she had worked with  
7       before and knew personally, and she vouched for his work.

8           Q.       Thank you.

9           **MR. PHILLIPS:** Ms. Fastenau, could we put up for  
10       Ms. Hazlewood, the Court, myself, and the defense  
11       Government's Exhibit 428.

12           **THE COURT:** Yeah. And while you're doing that,  
13       if counsel would approach real quick. Sorry about that.

14               (WHEREUPON, a bench conference was had out of the  
15       hearing of the jury, as follows:)

16           **THE COURT:** Something just occurred to me, and I  
17       think it applies here.

18               When making hearsay objections, keep in mind that  
19       there's only a hearsay problem if something is offered to  
20       introduce the -- you know, for the truth of the matter  
21       asserted.

22               I think we had a classic example where the offer  
23       was not at all for the truth of the matter asserted; it was  
24       to the contrary. So my -- you know what I mean?

25               So I would say, to help keep our record cleaner,

1 just to keep in mind that distinction when deciding whether  
2 there's a hearsay issue at all. Okay?

3 All right. Thank you.

4 (WHEREUPON, the bench conference concluded, and  
5 the following took place within the presence and hearing of  
6 the jury:)

7 **MR. PHILLIPS:** And, Ms. Fastenau, can we go to  
8 page 3 of Government's Exhibit 428?

9 Your Honor, this exhibit is covered by the  
10 parties' stipulation, and we'd move for its admission.

11 **THE COURT:** All right. Any objection?

12 **MS. SHERWOOD:** No, Your Honor.

13 **MR. YARBROUGH:** No, Your Honor.

14 **THE COURT:** All right. Pursuant to the  
15 stipulation without objection, Government 428 is admitted.

16 (Government Exhibit 428 was marked and admitted  
17 into evidence.)

18 **BY MR. PHILLIPS:**

19 Q. So, Ms. Hazlewood, do you see where that says Office  
20 of the Secretary of State of New Mexico on page 3 of  
21 Government's Exhibit 428?

22 A. I do.

23 Q. And, under that, it's a certificate of good standing  
24 and compliance, right?

25 A. Yes.

1 Q. Can you tell what company that's for?

2 A. Phoenix Solutions, LLC.

3 Q. And if you look just under that a little bit, do you  
4 see the date on which it purports to have filed its articles  
5 of organization?

6 A. The certificate was issued on November 20th of 2019.  
7 The organization date is November 12th of 2019.

8 Q. Thank you.

9 **MR. PHILLIPS:** Ms. Fastenau, for the witness and  
10 the parties and the Court, can we put up Government's  
11 Exhibit 354.

12 And, Your Honor, the parties have previously  
13 stipulated to the authentic and nonhearsay nature of this  
14 exhibit. The government moves for its admission.

15 **THE COURT:** All right. Any objection?

16 **IN UNISON:** No, Your Honor.

17 **THE COURT:** All right. Thank you.

18 Government 354 is admitted.

19 (Government Exhibit 354 was marked and admitted  
20 into evidence.)

21 **BY MR. PHILLIPS:**

22 Q. So, Ms. Hazlewood, can you see what that document at  
23 354 is?

24 A. It is a bank account -- bank account information for  
25 Phoenix Solutions, LLC, from First Horizon Bank here in

1 Nashville.

2 Q. Do you see the signature line there in the middle of  
3 page 1?

4 A. Yes.

5 Q. If we can scroll to the next page of Government  
6 Exhibit 354.

7 And do you see at the top of that page where someone  
8 has written their name as the duly designated chief manager  
9 of Phoenix Solutions?

10 A. I do. It says Cade Cothren.

11 Q. And when you look down to the middle of the page,  
12 as -- at the authorized signer's section, who is identified  
13 there?

14 A. The president, Cade Cothren.

15 Q. So I think we can take down Government Exhibit 354  
16 now.

17 And, Ms. Hazlewood, I'll ask you, at the time that you  
18 learned about Phoenix Solutions, did you know that Cade  
19 Cothren was behind it?

20 A. I most certainly did not.

21 Q. And circling back to that scandal with Mr. Cothren  
22 that you described earlier in your testimony, what impact,  
23 if any, did that have on Mr. Cothren's reputation in  
24 Tennessee politics?

25 A. I think it pretty much destroyed it. I know

1 personally I was incredibly upset. I know it was an  
2 embarrassment for the general assembly, for Tennessee, for  
3 our caucus, for our party. And it was certainly an  
4 embarrassment to me. For the very graphic things that were  
5 publicized, that I have grandchildren, 10 and 12 years old  
6 at the time, and --

7 Q. I'm sorry to --

8 A. -- it was -- I'm sorry.

9 Q. No, I appreciate what you're saying.

10 I think for the purposes of this one, we won't go too  
11 far down into what the scandal was, but I appreciate you  
12 explaining what the impact was, as you just did.

13 Did you care about the reputation of people involved  
14 in your communications with your constituents?

15 A. I did because I think that reflects on me personally  
16 as well as on the legislature itself.

17 Q. And what impact, if any, did that scandal that we've  
18 been talking about have on your views of Mr. Cothren's  
19 integrity?

20 A. Again, as I mentioned, the reputation was pretty much  
21 destroyed. I had no faith or trust in his integrity and no  
22 interest in working with him in any fashion.

23 Q. If you had believed that Mr. Cothren was going to be  
24 involved in your constituent communications, would that have  
25 been capable of influencing your decision on whether to work

1 with Phoenix Solutions?

2 A. It would have.

3 Q. Did Ms. Smith ever tell you anything about a financial  
4 arrangement with Mr. Cothren in connection with these  
5 constituent communications?

6 A. She did not.

7 Q. If you had believed that she had a financial  
8 arrangement with Mr. Cothren in connection with the  
9 constituent mailings that we've discussed today, would that  
10 have had any impact on your decision to work with Ms. Smith?

11 A. It would have.

12 Q. In what way?

13 A. I would not have chosen to do that. There are many  
14 other folks out there who could have done the work.

15 **MR. PHILLIPS:** Thank you, Ms. Hazlewood.

16 Nothing further from the government at this time.

17 **THE COURT:** All right. Thank you.

18 All right. Ms. Sherwood.

19 **CROSS-EXAMINATION**

20 **BY MS. SHERWOOD:**

21 Q. Good morning, Ms. Hazlewood.

22 A. Good morning.

23 Q. I'm Cynthia Sherwood, and I represent Cade Cothren. I  
24 have a few questions for you.

25 And the prosecutor governed -- covered quite a few of

1 those questions. So I will start with first question.

2 Do you agree with me that the general assembly and the  
3 state legislature's primary job is to make laws?

4 A. Yes.

5 Q. And the general assembly is also responsible -- your  
6 duties are also to -- reviewing the annual budget, approving  
7 the annual budget. Is that one of the legislature's jobs?

8 A. To approve the annual budget is the legislature's job.

9 Q. Okay. The general assembly also elects certain state  
10 constitutional officers; is that correct?

11 Is that part of your job as well?

12 A. Yes, we do.

13 Q. That one of those is Secretary of State Tre Hargett?

14 A. That's correct, along with the treasurer and  
15 comptroller.

16 Q. And Mr. Hargett was first appointed by the  
17 secretary -- to be the secretary of state in 2009, if you're  
18 familiar?

19 A. That was prior to my service.

20 Q. Okay. At the most recent vote for Tre Hargett, did  
21 you vote for Tre Hargett?

22 A. I did.

23 The most recent vote where I was present.

24 Q. Okay.

25 Would it be fair to call those things that we've

1 talked about your official duties?

2 A. I believe so.

3 Q. Those are the things that the people of Tennessee  
4 elected you to do as their representative?

5 A. Yes.

6 Q. And the Tennessee legislature is part time; is that  
7 right?

8 A. That's correct --

9 Q. You meet --

10 A. -- in theory.

11 Q. In theory. As far as when you're in the -- well, I'll  
12 go into that a little bit.

13 When you're in the legislature, you meet about 90 days  
14 a year; is that right?

15 A. Approximately, yes.

16 Q. Okay. And a lot of people in the -- some legislatures  
17 across our country are full-time legislatures; is that  
18 right?

19 A. I believe so.

20 Q. And then Tennessee's is designated as a part-time one?

21 A. Yes.

22 Q. Okay. Are you aware that many state representatives  
23 have other jobs?

24 A. Yes.

25 Q. We've got a lot of business owners. Are you familiar



1 that Jeremy Faison owns a pest control business?

2 A. Yes.

3 Q. And Jeremy Faison, are you aware that that pest  
4 control business used to provide services to the State of  
5 Tennessee?

6 A. No.

7 Q. Okay. You're aware that Bud Hulsey was the owner of  
8 Burlington Logistics?

9 A. Actually, I was not.

10 Q. What about Jay Reedy and his cattle farm?

11 A. I knew he had a locksmith company. I don't know about  
12 the cattle farm.

13 Q. Okay. He has a locksmith company too?

14 And what about Tim Rudd? Do you know about his direct  
15 mail consulting company that he's got?

16 A. I'm aware he has a company who does some of that work,  
17 yes.

18 Q. Does constituent mail?

19 A. I believe so. I've never used him, so I'm not sure.

20 Q. But a lot of them have separate jobs; is that right?

21 A. Yes.

22 Q. And would you agree with me that if you had a real  
23 estate company, part of your official duties wouldn't be to  
24 sell houses if you were -- for a representative wouldn't be  
25 to sell houses, right?

1           They're separate?

2       A.     Right.

3       Q.     Are you aware about Timothy Hill, Matthew Hill --  
4       those are also two state representatives, right? Or one may  
5       be a former now.

6       A.     Yes. I served with both of them.

7       Q.     Okay. And are you aware that they own a marketing and  
8       consulting company?

9       A.     I think I knew that Matthew did something with that.  
10      I'm not sure. I'm not sure I knew what Timothy did.

11      Q.     What about Antonio Parkinson? He's in the senate, so  
12      you might not be as familiar.

13      A.     No, Antonio Parkinson is in the house.

14      Q.     Oh, excuse me.

15            So are you familiar with his consulting company?

16      A.     No, I'm not.

17      Q.     Were you aware that Glen Casada owned a company called  
18      Right Way Consulting?

19      A.     I am aware now. I'm not quite sure when I became  
20      aware of that, but I am aware now.

21      Q.     Did Glen Casada ever help you fundraise or help with  
22      your campaigns?

23      A.     He was the majority leader, so that was -- part of the  
24      job is helping to set up fundraising opportunities for  
25      members.

1 Q. And that's part of a campaign process, correct?

2 A. That's correct.

3 Q. And so he helped with yours as part of his role as  
4 majority leader?

5 A. Yes. Helped in the sense of helping set up events  
6 here in Nashville. I -- he never helped with any event in  
7 my district.

8 Q. And did Cade Cothren help with that as well?

9 A. Probably since he was on his staff. But, again, I  
10 didn't have direct interaction.

11 Q. And that was pretty successful work for everybody  
12 because you were elected and you've continued to be elected;  
13 is that right?

14 A. I continued to be elected until 2024, yes.

15 Q. Okay. You said Ms. Smith has helped you with all of  
16 your campaigns since you first ran; is that right?

17 A. Up until the point that she was elected herself.

18 Q. Okay.

19 A. At that point, you know, I felt like she's running her  
20 own campaign and so probably did not have time to focus on  
21 mine.

22 Q. Okay. So once she got elected, she didn't do your  
23 campaigns anymore, but she started as your campaign  
24 manager -- is it way back in 2010? What date -- year was  
25 that?

1 A. 2014.

2 Q. 2014. And you said she had done one legislator or  
3 constituent mail project for you before you became elected?

4 A. No. One prior to the one in 2020.

5 Q. Okay. So now I want to move to the postage and  
6 printing allowance. Is that governed by the policies and  
7 procedures? Have you ever read the policies and procedures  
8 related to the postage and printing allowance?

9 A. Probably early on, just in terms of what they could be  
10 utilized for.

11 Q. Okay. And that is taxpayer-funded money.

12 A. Those monies come from the general budget, which are  
13 taxpayer dollars.

14 Q. And Ms. Smith reached out to you and offered to do  
15 your constituent mailer, the one that you sent out that is  
16 at issue here.

17 Do you remember that?

18 A. I remember us talking about the mailer, yes.

19 Q. Okay. And when she reached out to you, did she  
20 pressure you in any way to use her company?

21 A. Actually, it wasn't her company that we used. I  
22 thought it was, but it turned out to be another company.

23 Q. Well, let's just talk about what -- the conversation.  
24 When she reached out to you, she said, "Can I do your  
25 mailer?" and you thought she meant River's Edge, correct?

1 A. You know, it's been a very long time. I don't  
2 remember the specifics of the conversation. We had a  
3 conversation about the viability of doing a legislative  
4 mailer. And she offered to help me pull together pictures,  
5 graphics, and the information to go into that mailer.

6 MS. SHERWOOD: Can you pull up Tab 6,  
7 Exhibit 116 -- 119?

8 (Discussion off the record.)

9 BY MS. SHERWOOD:

10 Q. Okay. Can you see that, Ms. Hazlewood?

11 A. I see it. I'm not sure I can read it.

12 Q. Can you --

13 Can we make that any bigger? Thank you.

14 Okay. Take a look at that and tell me if you  
15 recognize that as a text message exchange between you and  
16 Ms. Smith on November 14th, 2019.

17 A. Yes. That's what is stated, and it's from Robin to  
18 me.

19 Q. Okay.

20 Can you scroll through that so she can take a look at  
21 that.

22 Okay. So looking at that first page, can you -- this  
23 is a true and correct text message exchange between you and  
24 Ms. Smith; is that right?

25 A. As far as I can tell, yes.

1           **MS. SHERWOOD:** Okay. Your Honor, I'd like to  
2 introduce this as Defendants' Exhibit 119.

3           **THE COURT:** 116?

4           **MS. SHERWOOD:** 119.

5           **THE COURT:** Is that right? Okay. I thought you  
6 said 116.

7           **MS. SHERWOOD:** I think I did at first, but then I  
8 changed it.

9           **THE COURT:** Okay. Any objection to 119 being  
10 admitted?

11           **MR. PHILLIPS:** Your Honor, we'd ask that the  
12 witness be permitted to review the entire exhibit before  
13 it's admitted.

14           **THE COURT:** All right. Fair enough.

15           **MS. SHERWOOD:** Yes.

16           **THE COURT:** There was a second page?

17           **MS. SHERWOOD:** Can you scroll through that so she  
18 can see the exhibit?

19           **THE COURT:** Are you able to see that bottom green  
20 part?

21           **THE WITNESS:** Can you bump it up? Evidently, I  
22 need new contacts.

23           **THE COURT:** There we go.

24           **THE WITNESS:** Thank you. Okay.

25       ///

1 **BY MS. SHERWOOD:**

2 Q. Okay. So this is a text message exchange between you  
3 and Ms. Smith?

4 A. Yes, it is.

5 Q. November 14th, 2019, is when it begins; is that right?

6 A. Yes.

7 **MS. SHERWOOD:** I would like to introduce this as  
8 Defense Exhibit 119 and publish.

9 **THE COURT:** All right. Any objection?

10 **MR. PHILLIPS:** If it's just those three pages,  
11 Your Honor, no objection.

12 **THE COURT:** Okay. I think that's it. Right?

13 **MS. SHERWOOD:** Yes, that's it.

14 **THE COURT:** All right. Defendants' 119 is  
15 admitted.

16 (Defense Exhibit 119 was marked and admitted into  
17 evidence.)

18 **THE COURT:** Does Mr. Cothren have exhibits that  
19 are specially numbered in his name, or are both defendants'  
20 exhibits all collectively numbered together?

21 **MS. SHERWOOD:** They're collectively numbered  
22 together.

23 **THE COURT:** So this would be Defendants' --  
24 meaning ending S apostrophe -- Defendants' Exhibit 119.

25 All right. Thank you.

1           **MS. SHERWOOD:** Can you scroll to the top and call  
2 out the first text, please?

3           **BY MS. SHERWOOD:**

4           Q.       Okay. And this is a text from Ms. Smith just reaching  
5 out and saying, "Hey, I'm going to work on a mailer. I want  
6 to do a mail survey for you in your district," right?

7           A.       Yes.

8           Q.       And then we look at your response, which is the next  
9 text.

10                  So do you see that?

11          A.       Yes.

12          Q.       Your immediate response is "I have a healthy balance  
13 but will check for the exact amount."

14          A.       Correct.

15          Q.       So would you agree with me that she didn't pressure  
16 you in any way to use her company?

17          A.       No.

18          Q.       Okay. She wouldn't have to because she'd been doing  
19 this type of work for you for many years, right?

20          A.       Right. That's correct.

21                  **THE COURT:** One of the things I think we want to  
22 keep in mind as we do the examination, if you look at how  
23 that last exchange went: "Would you agree with me that she  
24 didn't pressure you in any way to use her company?"

25                  The answer was no. Makes it sound like you



1 didn't agree with her, but actually you do.

2 **MS. SHERWOOD:** Thank you, Your Honor.

3 **BY MS. SHERWOOD:**

4 Q. Did Ms. Smith pressure you to use her company?

5 A. No.

6 Q. She -- Ms. Smith did not mention Phoenix Solutions to  
7 you at all when she asked you if she could do your mailer,  
8 did she?

9 A. No.

10 Q. She didn't mention Matthew Phoenix to you?

11 A. No.

12 Q. In fact, you never even heard the name Phoenix  
13 Solutions until you saw the invoice that you received?

14 A. That's correct.

15 Q. So she didn't tell you any lies as far as who. She  
16 didn't say, "Hey, can this great company named Phoenix  
17 Solutions do your mail work?" did she? She didn't say that  
18 to you?

19 A. She told me lies about who they were.

20 Q. We're not there yet. We're talking about when she  
21 offered to do the work for you for this constituent mail,  
22 did she mention Phoenix Solutions?

23 A. There was no conversation. I was under the assumption  
24 that Robin would be doing the work.

25 Q. Okay. But just answer my question instead of adding

1 on. If you want to explain something, you can ask to  
2 explain. But my question was did she tell you -- when she's  
3 asking you to do this constituent mail work, did she tell  
4 you a single lie when she was trying to get the business,  
5 about Phoenix Solutions?

6 A. No.

7 Q. Okay. It was only after -- you say after you got this  
8 and I guess you noticed that the invoice is Phoenix  
9 Solutions, you said, "Hey, who is this company?" and then  
10 she told you what you had mentioned on direct?

11 A. That's correct.

12 Q. Right.

13 By that time -- the work had been done, had it not?

14 A. Yes. The invoice was postwork.

15 Q. When Ms. Smith asked you if she could do your  
16 constituent mail, did you think she was going to do every  
17 single task herself or that she hires vendors to do things?

18 A. She hired vendors to do printing and those sorts of  
19 things, but I assumed that she was doing the work of putting  
20 the prototype together.

21 Q. So -- and, quite frankly, you don't know who did what  
22 particular portions of this project, do you?

23 A. No, I don't.

24 Q. Okay. And so you didn't think Ms. Smith was going to  
25 be doing every one of these tasks herself, did you?

1 A. I thought she was going to be developing the mailer.  
2 I knew that she wasn't going to physically print it or mail  
3 it.

4 Q. She wasn't going to print it, and sometimes  
5 consultants also use designers to help them; is that right?

6 A. I believe so.

7 Q. Okay. Did you ask her who she was going to use as a  
8 designer?

9 A. I don't recall that I did, no.

10 Q. Did you ask her who she was going to use as a printer?

11 A. No. Again, I assumed we would use the same one we had  
12 used previously for my other mailings and so forth.

13 Q. Did you ask her, "Tell me everybody who is going to be  
14 working on this mailer with me"?

15 A. No, I did not.

16 Q. Okay. You didn't ask her any questions. You left it  
17 to her own devices who she wanted to use?

18 A. Again, I assumed that --

19 Q. That's not my question. The question is -- I'm not  
20 trying to be argumentative, but just --

21 A. Seems that way, but go ahead.

22 Q. Did you ask her -- question was did you ask her  
23 anything about who she was going to use to help her put this  
24 piece together?

25 A. No. I didn't.

1 Q. In one of the exhibits -- it's actually Exhibit 119,  
2 again, at page 14. If we could pull that up.

3 And one of her messages to you, Ms. Smith even  
4 mentioned, she said, "I'm going to be sending the copy off  
5 to the" -- the copy she wrote off to her design guy?

6 **THE COURT:** One moment. If counsel want to  
7 approach. I think I may know what the issue could be  
8 logistically. One moment.

9 (WHEREUPON, a bench conference was had out of the  
10 hearing of the jury, as follows:)

11 **THE COURT:** All right. I'm going to raise my  
12 concern and see whether it was Mr. Phillips'. I thought 119  
13 was just those three texts.

14 Is that your belief and that's why we admitted  
15 it?

16 **MR. PHILLIPS:** That's why I asked if it was only  
17 those three pages that were going to be admitted.

18 **MS. SHERWOOD:** We're just doing those first three  
19 pages.

20 **MR. PHILLIPS:** There was a reference to page 14.

21 **THE COURT:** Yeah, page 14, right?

22 **MS. LONGNECKER:** Yes. Can I offer to give the  
23 government a paper copy of this? And then probably should  
24 have done that at the beginning.

25 **MR. PHILLIPS:** No, that's fine. I appreciate

1 that. But I do want, as I said, to have an opportunity to  
2 review the whole thing that's going to get admitted before  
3 the questioning.

4 **THE COURT:** I thought what we were all agreeing  
5 to admit was the first three texts only.

6 **MS. SHERWOOD:** That is correct. So I guess  
7 that's just a page in there, so I guess it would have to be  
8 119A.

9 **THE COURT:** All right. So if the record  
10 Ms. Jackson should have is 119, the first two pages is what  
11 you have?

12 **MS. SHERWOOD:** First three. The first three  
13 pages there.

14 **THE COURT:** All right. Here's what we're going  
15 to do. We'll take a break now to sort this out, but what we  
16 had admitted was three texts, and so that should be clear.

17 Anything else from that that you want entered  
18 separately, you need to mark separate and offer separately.  
19 Think about what all is going in.

20 So, Ms. Jackson, turns out we'll have a little  
21 communication about, you know, making sure that, you know,  
22 what is the 119 that was admitted. And if you had anything  
23 in your stack that was bigger than what's going to be  
24 admitted, make sure to give it back.

25 **COURTROOM DEPUTY:** Yes, sir.

1           **THE COURT:** All right. Thanks, folks. We'll let  
2 the jury go.

3           (WHEREUPON, the bench conference concluded, and  
4 the following took place within the presence and hearing of  
5 the jury:)

6           **THE COURT:** Okay. Thanks, folks. Appears to be  
7 a good time to make the -- make time for the afternoon  
8 break. We're showing 12:15. If y'all can be back about  
9 1:15, and we'll continue with the cross-examination of  
10 Ms. Hazlewood.

11           Please, as always, remember the admonition that I  
12 keep giving. And we'll see you in about an hour.

13           Thank you. You may step down.

14           (The witness left the witness stand.)

15           (WHEREUPON, the jury was excused from the  
16 courtroom at 12:17 p.m., with matters being heard in open  
17 court as follows:)

18           **THE COURT:** Okay. Thanks. Please be seated.

19           Do you have something, Mr. Phillips?

20           **MR. PHILLIPS:** May Ms. Hazlewood be excused,  
21 Your Honor?

22           **THE COURT:** Yeah, yeah. So she can be excused,  
23 and if she's back by 1:15, we should all be good to go.  
24 Thank you.

25           All right. Thanks, folks. Please be seated. I

1 did have one question.

2 All right. So here's the question. There was a  
3 motion in limine directed to, you know, not getting into the  
4 precise political party involved that's associated with the  
5 defendants.

6 I would say that, you know, maybe things change  
7 and that explains it, but I think the defendants themselves  
8 took the horse out of that barn with their comments in  
9 opening statements.

10 Is that where we are? Like, there's no secret  
11 we're talking about the Republicans here?

12 **MS. SHERWOOD:** Right.

13 **MR. PHILLIPS:** I don't think so.

14 **MR. FARMER:** I actually thought we struck that  
15 motion in limine, Your Honor.

16 **THE COURT:** Did you on the back end?

17 **MR. FARMER:** Yes. I think we withdrew that one.  
18 You're talking about my motion in limine, I think.

19 **THE COURT:** Was it? Yeah.

20 **MR. FARMER:** And, yeah, I do believe we struck  
21 it, but if we didn't --

22 **THE COURT:** Okay. And if you did, I think that's  
23 great. We were still all sort of talking around it a little  
24 bit during voir dire maybe out of an abundance of caution.  
25 So sounds like there's no issue there anymore.

1           **MR. PHILLIPS:** I think that's right, Your Honor.  
2 I just wanted -- this may be a good time to slip one thing  
3 in, which is my recollection of the resolution of that  
4 motion was that there was also a desire to keep out  
5 conservative political ideology. As the government said,  
6 we're really not planning to get into that.

7           It did occur to us that some of the legislative  
8 updates and mailers and things like that may have some  
9 indicia of political ideology. Again, we're not really  
10 interested in getting very close to the line on that, but we  
11 just want the Court to be aware of that issue.

12           **THE COURT:** You don't plan to introduce any  
13 testimony on that point, correct?

14           **MR. PHILLIPS:** Not other than, you know, these  
15 mailers went out.

16           **THE COURT:** Right. And you don't plan to  
17 introduce any mailers specifically to show conservative  
18 ideology; is that right?

19           **MR. PHILLIPS:** That's right, Your Honor.

20           **THE COURT:** All right. Very well.

21           **MS. SHERWOOD:** We may have -- I mean --

22           **MR. FARMER:** We do anticipate introducing some  
23 mailers, Your Honor, not for the purpose of conservative  
24 ideology, but for the purpose that the work was done and  
25 this is the product. But I think, like I said, vis-à-vis



1 the motion in limine, my memory is it was stricken.

2 **THE COURT:** Yeah. And, of course, you know, one  
3 of the things to note, you would -- and your recollection is  
4 probably better than mine on that. It is -- and possibly  
5 because a party that strikes a motion in limine still  
6 reserves the right to object at trial even if they're  
7 withdrawing the right to seek a ruling in advance of trial  
8 excluding the evidence.

9 You know, it still remains possible that that  
10 objection could have been raised. But it sounds like no one  
11 is interested in making an issue out of political party  
12 affiliation. And I think that's where we are on that piece,  
13 right?

14 Okay. All right. Anything else of a preliminary  
15 nature that we need to -- or I should say procedural nature  
16 or otherwise before we break?

17 Mr. Phillips?

18 **MR. PHILLIPS:** No, Your Honor.

19 **THE COURT:** Thank you.

20 Mr. Yarbrough?

21 **MR. YARBROUGH:** No, Your Honor.

22 **MS. SHERWOOD:** No, Your Honor.

23 **THE COURT:** All right. Thanks, counsel. We'll  
24 see you in about 55 minutes.

25 (Lunch recess 12:22 p.m. to 1:31 p.m.)

1           **THE COURT:** All right. We get things sorted out  
2 with Exhibit 119?

3           **MS. SHERWOOD:** Yes, Your Honor.

4           **THE COURT:** All right. Very well. So I believe  
5 we could have Ms. Hazlewood take the stand. She can get up  
6 there and . . .

7           (The witness resumed the witness stand.)

8           **THE COURT:** All right. Ms. Sherwood, if you want  
9 to take the podium, and then we'll call in our jury. Thanks  
10 very much.

11           (WHEREUPON, the jury reentered the courtroom at  
12 1:32 p.m., with matters being heard in open court as  
13 follows:)

14           **THE COURT:** Thanks, folks. Please be seated.  
15 All right. We'll continue with the  
16 cross-examination.

17           **MS. SHERWOOD:** Thank you.

18 **BY MS. SHERWOOD:**

19 Q. Good afternoon, Ms. Hazlewood.

20 So where we left off on the break, I was asking you  
21 about a text exchange between you and Ms. Smith.

22           **MS. SHERWOOD:** And if we could pull that back up,  
23 Exhibit 119.

24 And, Your Honor, 119 has been entered; is that  
25 correct?

1           **THE COURT:** So -- and we're talking about the one  
2 with the three texts that we've seen?

3           **MS. SHERWOOD:** Yes, Your Honor.

4           **THE COURT:** That one remains admitted. And for  
5 clarification, it consists of three different text messages.  
6 All right. Thank you.

7           **MS. SHERWOOD:** Can we publish that? Actually,  
8 let's go to -- we've already -- I'm sorry, Your Honor?

9           **THE COURT:** Do you want to pull it up?

10          **MS. SHERWOOD:** Actually we can go to 122. I  
11 think we've already discussed 119.

12          **THE COURT:** Okay.

13          (Discussion off the record.)

14          **THE COURT:** Are y'all seeing the document  
15 displayed on your screens?

16          **MR. YARBROUGH:** No, sir.

17          (Discussion off the record.)

18 **BY MS. SHERWOOD:**

19 Q.       Okay. Ms. Hazlewood, can you look at this and tell me  
20 if you recognize this as a text exchange between you and  
21 Ms. Smith?

22       Do you need it to be bigger?

23 A.       That would be helpful.

24 Q.       I do too.

25       Do you recognize that as a text exchange between you

1 and Ms. Smith on December 16th, 2019?

2 A. Yes.

3 Q. Okay. And here, you're talking about your constituent  
4 mail project that she's doing for you. And you see in the  
5 first sentence she says, "Holding sending" --

6 **MS. SHERWOOD:** Well, let me -- I'm sorry. Before  
7 I get into this, could I have this admitted as Defendants'  
8 Exhibit 122, please?

9 **THE COURT:** Any objection?

10 **MR. PHILLIPS:** No objection.

11 **THE COURT:** All right. 122 is admitted.

12 (Defense Exhibit 122 was marked and admitted into  
13 evidence.)

14 **MS. SHERWOOD:** And published? Okay.

15 **BY MS. SHERWOOD:**

16 Q. Do you see on the first line Ms. Smith says, "Holding  
17 sending the copy to design until we get it to avoid extra  
18 cost."

19 You didn't ask her at that time who she was using for  
20 her design work, did you?

21 A. No.

22 **MS. SHERWOOD:** Okay. Okay. And then I want to  
23 go to Exhibit 123.

24 **THE COURT:** Could I ask as point of clarification  
25 do we all know just what we mean by "design work" and

1 distinguish that from other work?

2 **MS. SHERWOOD:** Yes.

3 **THE COURT:** That may be helpful.

4 From your perspective, did you make a distinction  
5 between design work and, let's say, content work? With the  
6 content work, I mean like the words, the actual words. Was  
7 there a distinction between that?

8 **THE WITNESS:** There probably is, but there really  
9 wasn't in my mind. Again, I was working with Robin on the  
10 pictures and the words, so to me it was all one thing.

11 **THE COURT:** Okay. All right. Then when you --  
12 the questioning -- so I'll just leave it to you whether you  
13 question when you refer to design work was received the way  
14 you want it to be. And if so, that's fine.

15 **BY MS. SHERWOOD:**

16 Q. Okay. Let me just back up because I've been in the  
17 weeds on this for a while, so I'm probably not asking as  
18 detailed of questions as I should.

19 With the constituent mail or any of your other types  
20 of mail, you just know that you were ordering a product,  
21 like a mailer to go to constituents, correct?

22 A. Yes.

23 Q. And it came with photographs and printed copy on it  
24 and with the constituent mail, like a survey or just updates  
25 for your constituents, correct?

1 A. Yes.

2 Q. You don't do that type of work, do you?

3 A. I do not.

4 Q. So you don't know what all goes into putting together  
5 that item?

6 A. No.

7 Q. Okay. And when you look at it, could you see, like,  
8 well, maybe, yes, a designer might be involved or a content  
9 writer or there's just a lot of pieces to this mail piece?  
10 Is that right?

11 A. There are a lot of pieces. But previously when I had  
12 worked on other mailers with Robin, to my knowledge, she was  
13 the only one working on the content. She might have someone  
14 else doing the layout, I guess you would call that, the  
15 graphic design; but the content, Robin had always done.

16 Q. Had you ever asked her, "Are you the only one working  
17 on this"?

18 A. No.

19 Q. So you don't really know how Robin put together her  
20 pieces?

21 A. No.

22 Q. So when you read this text, this Exhibit 122, you  
23 think, well, she is working with somebody on this to do some  
24 type of design work?

25 A. I probably didn't think about it at all. It's just

1 this is where we are in the process. We're waiting for the  
2 rest of the information to fill in the hole, and I really  
3 didn't give it a lot of thought.

4 Q. Okay. Because you trusted Robin to get your mailer  
5 done?

6 A. I did. I trusted Robin pretty implicitly.

7 Q. And you guys were friends?

8 A. Yes.

9 Q. And she never -- did she ever promise you anything to  
10 get you to do this mailer with her?

11 Well, let me say this: Did she ever promise to vote  
12 on a particular bill if you did this mailer with her?

13 A. No.

14 Q. Did she ever promise to help you get on a certain  
15 legislative committee if you did this mailer with her?

16 A. No.

17 Q. It was just as simple as, hey, Patsy, may I do your --  
18 do a legislative update for you, and you said sure?

19 A. As the previous exhibit showed.

20 Q. Okay. And you had the freedom to hire whomever you  
21 wanted to do your legislative updates, did you not?

22 A. I did.

23 Q. At the end of the day, the most important thing that  
24 you wanted was a quality mail piece to go to your  
25 constituents; is that right?

1 A. Yes.

2 Q. Were you satisfied with the quality of this mailer?

3 A. To the best of my recall.

4 Q. Do you remember giving any -- you don't remember any  
5 complaints about this mailer, do you?

6 A. No. Not five years ago, no.

7 Q. Before the mailer was sent out to the constituents, it  
8 had to go to the speaker's office, correct, to get approval  
9 or content. Is that right?

10 A. That's correct.

11 Q. So the process is you hire Ms. Smith, then she does  
12 it, and then you have to send the prepared mailer to the  
13 speaker's office to make sure that it doesn't have any  
14 campaigning content, correct?

15 A. That's my understanding, correct.

16 Q. Okay. That's what -- okay.

17 And then, after that, Ms. Smith sends it -- has her  
18 printer or whoever send it out, and then you got the  
19 invoice. Right?

20 A. Yes.

21 Q. You don't remember having any questions about the  
22 invoice amount, do you? You didn't ask Ms. Smith any  
23 questions about it?

24 A. No. In the throes of the legislature, I got the  
25 invoice, I forwarded it to my treasurer to be paid.



1 Q. Well, as you sit here today, you don't have any  
2 concerns about the amount of the invoice, do you?

3 A. Perhaps I do at this point.

4 Q. Oh, because of who did it?

5 A. Because I'm not certain that the number of pieces that  
6 I paid for to be mailed were actually mailed. I have no way  
7 to know.

8 Q. You don't have any reason to believe that the number  
9 of pieces you ordered were not mailed, do you?

10 A. Only that prior mailings, I'd always received  
11 undeliverables back to my post office, because there are  
12 always accounts or -- you know, from the database, there are  
13 always people whose addresses had changed or whatever. And  
14 I don't recall getting any on this mailer.

15 Q. Well, you said just a moment ago you had a hard time  
16 recalling things from so many years ago. Is it possible  
17 that you don't recall?

18 A. It's possible that I don't recall, but I am fairly  
19 certain that I did not get any because I would have had to  
20 go to my post office box to retrieve them. And I don't  
21 recall having a pile of those there, which would have  
22 been -- happened in other cases.

23 Q. Okay. So you are able to recall that from all those  
24 years ago?

25 A. To the best of my knowledge, I do not recall receiving

1 any returned mailers, which, at the time, didn't really  
2 strike me. But later when I thought about it, it was an  
3 anomaly that that had not occurred.

4 Q. Did you call Ms. Smith or contact Ms. Smith and say,  
5 you know, I'm just wondering why I didn't get any returned  
6 mailers?

7 A. No, because by the time I had really got concerned  
8 about that, all of this had hit the fan, so to speak. So  
9 no, I did not contact her.

10 Q. Okay. So you're saying that, after it became  
11 publicized that Phoenix Solutions was involved in preparing  
12 the mailers, that's when you became concerned about that?

13 A. That's when I realized that, you know, I don't think I  
14 ever got any return mailers from that particular mailing,  
15 yes.

16 Q. That's just the sole reason that you say that?

17 A. Yes.

18 Q. Okay. Is it possible that you -- that Mr. Cothren and  
19 Ms. Smith had a better database?

20 A. It's possible, but it's entirely -- it would be very  
21 odd for there not to be any returned mail.

22 Q. And, again, you don't do this line of work; is that  
23 right?

24 A. No, but I have sent out a number of mailers. And  
25 always before some were returned.

1 Q. And I think you said you had done one constituent mail  
2 piece with Ms. Smith before?

3 A. I believe that's correct, yes.

4 Q. Did you ever complain to anybody about this, what  
5 you're saying now, before this -- all of this was in the  
6 press?

7 A. No.

8 Q. After the invoice was sent to Connie Ridley's office,  
9 if the work had been done as it -- let me see if we've got  
10 defense exhibit --

11 Can we pull up Defense Exhibit 86.

12 Do you recognize this as the invoice that you got from  
13 Phoenix Solutions?

14 A. Yes.

15 Q. And this -- it is --

16 **MS. SHERWOOD:** Well, I'd like to move to  
17 introduce this as exhibit -- sorry about that -- Exhibit 86,  
18 please.

19 **THE COURT:** Any objection?

20 **MR. PHILLIPS:** No objection.

21 **THE COURT:** All right. Defense Exhibit 86 is  
22 admitted.

23 (Defense Exhibit 86 was marked and admitted into  
24 evidence.)

25 ///

1 **BY MS. SHERWOOD:**

2 Q. And when you got this invoice, you expected Connie  
3 Ridley to approve payment and pay the invoice; is that  
4 right?

5 A. That's correct, since this was for a mailer from the  
6 legislative account.

7 Q. Okay. And that's her signature on the bottom  
8 approving the mailer?

9 A. Yes.

10 Q. I mean, not approving the mailer; signing off on the  
11 invoice?

12 A. Yes.

13 Q. Okay.

14 **THE COURT:** The amount of the invoice is  
15 \$3257.40, right? Is that what you're saying?

16 **THE WITNESS:** Yes.

17 **THE COURT:** And that's in excess of \$3,000,  
18 right?

19 **THE WITNESS:** That's correct.

20 **THE COURT:** Did the whole invoice get paid or  
21 just up to \$3,000?

22 I mean, did the -- well, did you get reimbursed  
23 for the whole 3,000 to -- did you get reimbursed for the  
24 whole \$3257.40 or just up to 3,000.

25 **THE WITNESS:** It isn't a reimbursement process.

1 This was paid for from the state --

2 **THE COURT:** Directly.

3 **THE WITNESS:** Yes. And it was -- there's \$3,000  
4 per year that's put into the legislative account -- postage  
5 account. But if you don't use it, it accrues. So I  
6 actually had more than \$3,000 in the account. So there was  
7 money to cover it.

8 **THE COURT:** Gotcha. Thank you.

9 **BY MS. SHERWOOD:**

10 Q. I might be very close to being through. Just let me  
11 check these few more we have.

12 Just want to talk a little bit about the process. So  
13 when you hired Robin to do your mailer, you were -- you had  
14 an agreement with Robin; is that right? If you do my  
15 mailer, then I will pay you whatever it is that you agree  
16 upon. Is that right?

17 A. The cost of the mailer, yes.

18 Q. Yes. And she told you what that was going to be, and  
19 you agreed to pay that?

20 A. Actually, I'm not sure that we ever discussed the  
21 total price other than I made sure that the balance was in  
22 the account to cover.

23 Q. So she just said I'm going to do your mailer, and  
24 you'd worked with her long enough, you said fine, send me  
25 the bill?

1 A. That's pretty much correct.

2 Q. Okay. And the agreement was with her. So let's say  
3 if you decided that you were not going to pay her, she'd  
4 done the work, they'd put it together, and you were not  
5 going to pay her. It would be you that she would have to  
6 come after to try to get her money if she wasn't paid,  
7 correct?

8 You were the one that made the agreement with her; is  
9 that right?

10 A. Yes, but the payment would have gone through the  
11 state, so I'm not sure how that would have worked in that  
12 case.

13 Q. In this case, the state would pay for the agreement  
14 that you reached with Ms. Smith?

15 A. That's correct.

16 Q. Because you -- okay. Because what would have  
17 happened -- I don't know that this has ever happened to you  
18 because it doesn't sound like you've done too many of these  
19 constituent mailers, but if you had not had enough money in  
20 your constituent mail account and she did this work, you  
21 would have been responsible for paying the balance to  
22 Ms. Smith; is that right?

23 A. That would be my expectation.

24 Q. The state of Tennessee's only two -- strike that.

25 The state of Tennessee's only involvement with these

1 constituent mailers, sounds like from your testimony, was  
2 two things: Approving the content, which was the speaker's  
3 office, and then processing the payments; is that correct?

4 A. That's my understanding.

5 Q. When you hired Robin to do your mailer, you expected  
6 her to make a profit on that mailer. That was her business,  
7 correct?

8 A. That's correct.

9 Q. I wanted to ask just a couple of questions about bills  
10 you've gotten passed but not particular bills.

11 So in passing bills, you have to work with various  
12 other members of the legislature, sometimes on the house  
13 side and the senate side; is that right?

14 A. Yes. They have to be passed in both bodies in order  
15 to become law.

16 Q. Sometimes you work with the speaker of the house to  
17 get a bill passed if maybe it's one he's interested in or  
18 you're interested in?

19 A. Obviously, you have conversations with the speaker if  
20 he has problems with a bill or if you need his support on a  
21 bill that you think may be in trouble or you just need  
22 guidance.

23 Q. Is the speaker the one who appoints the officers of  
24 the house?

25 A. He appoints the committee chairs and vice chairs. The

1 caucus officers are elected --

2 Q. Okay.

3 A. -- by the body.

4 Q. What would you say the most powerful committee chair  
5 is?

6 A. Probably the one I chaired for a while, the house  
7 finance, ways, and means.

8 Q. That's one Speaker Sexton appointed you to?

9 A. He did ultimately, yes.

10 Q. Did you ever have any conversations with Glen Casada  
11 about that committee?

12 A. I did.

13 Q. What was that?

14 A. When he was running for speaker, we had a number of  
15 conversations and -- never overtly, but I think the  
16 conversation was along the lines if you can support me, then  
17 perhaps that committee chair might be available. But I was  
18 supporting his opponent, Curtis Johnson, and continued to do  
19 so.

20 Q. Okay. Does the speaker's office have control over  
21 assignments where someone's office is?

22 A. Yes.

23 Q. Does the speaker have the power to expel an elected  
24 state representative from the house?

25 A. No.



1 Q. Has Speaker Sexton ever expelled someone from the  
2 house before?

3 A. Speaker Sexton has not. The house expelled -- we  
4 voted to expel three members -- well, two members. I'm  
5 sorry.

6 Q. Hold on.

7 Are you aware -- there's -- we've talked a little bit  
8 about a public scandal earlier. Are you aware of a public  
9 scandal involving Secretary of State Tre Hargett in 2022?

10 A. I think I know what you're referring to, yes.

11 Q. Okay. And yet you support him and you voted him --  
12 voted for him in the most recent election to be the  
13 secretary of state?

14 A. Actually, I had voted for him prior to that. I was  
15 not in the legislature to vote post that occurrence.

16 Q. So you hadn't -- okay. So you haven't?

17 A. No.

18 Q. So what about -- let me see if I have any other  
19 questions. Hold on a second. We might be done.

20 (Respite.)

21 **MS. SHERWOOD:** Can we pull up Tab 7, Exhibit 84.

22 **COURTROOM DEPUTY:** What is the exhibit?

23 **MS. SHERWOOD:** Defense Exhibit 84.

24 **BY MS. SHERWOOD:**

25 Q. Ms. Hazlewood, can you see that?

1 A. No.

2 Now I can.

3 Q. Okay. Do you recognize that?

4 A. Yes, it's a mailer -- one of my mailers.

5 Q. Is that the constituent mail piece that Ms. Smith did  
6 for you that we've been discussing?

7 A. I honestly don't know. You'd have to show me the back  
8 side.

9 Q. Let's look at the back side.

10 A. Yes, I believe that's it.

11 **MS. SHERWOOD:** All right. I'd like to introduce  
12 that into the record as Defendants' Exhibit -- I believe we  
13 said 84. Yes.

14 **IN UNISON:** No objection.

15 **THE COURT:** No objection? All right.

16 Then 84 will be admitted.

17 (Defense Exhibit 84 was marked and admitted into  
18 evidence.)

19 **MS. SHERWOOD:** Okay. And I'd like to introduce  
20 the original to -- for the Court.

21 **BY MS. SHERWOOD:**

22 Q. And is this what it looks like in its paper form?

23 A. Yes.

24 **THE COURT:** That can be received as the original.

25 **MR. PHILLIPS:** No objection.

**THE COURT:** Okay. All right. Thank you.

**MS. SHERWOOD:** No further questions.

Thank you, Ms. Hazlewood.

**THE COURT:** All right.

Mr. Farmer?

**CROSS - EXAMINATION**

BY MR. FARMER:

Q. Good afternoon, Ms. Hazlewood.

A. Good afternoon.

Q. My name is Jonathan Farmer. I represent Glen Casada.

I actually just have a couple questions for you.

I heard you testify in response to Ms. Sherwood that the house had voted to expel a couple of legislators. I just want to be crystal clear. Glen Casada was not one of those legislators?

A. No, he was not.

Q. And, in fact, Glen Casada was reelected in 2022. Is that your understanding?

A. I believe that's correct.

**MR. FARMER:** Thank you, Ms. Hazlewood.

**THE COURT:** All right. Redirect examination?

**MR. PHILLIPS:** Very briefly, Your Honor.

**THE COURT:** All right.

///

///

**REDIRECT EXAMINATION**

**BY MR. PHILLIPS:**

Q. So, Ms. Hazlewood, on cross-examination from Ms. Sherwood before lunch, do you remember when she was asking you if there were any lies that Ms. Smith told you in connection with getting the business for the constituent mailer that we discussed?

A. Yes.

Q. Do you have any opinion about whether Ms. Smith was honest with you in that process?

A. I think she was incredibly dishonest.

Q. There were also some questions on cross-examination about whether she pressured you.

Do you remember those questions?

A. I do.

Q. Would you have used Phoenix Solutions if it wasn't for Ms. Smith?

A. No, I would not have. I wouldn't even have known about them.

**MR. PHILLIPS:** Nothing further, Your Honor.

**MS. SHERWOOD:** Recross?

**THE COURT:** All right. Within the scope of redirect.

///

///

**RECROSS-EXAMINATION**

**BY MS. SHERWOOD:**

Q. Just to clarify, Ms. Hazlewood, you didn't use Phoenix Solutions, did you? You hired River's Edge; is that right?

A. Actually, there was not a contract with River's Edge. There was just -- I didn't have a contract, period. I just received an invoice from Phoenix Solutions.

Q. Okay. You had a contract. Do you know a contract can be verbal, an offer and an acceptance, right?

A. Right. But there's never a discussion about the contract or the identity. I just made an assumption that it was River's Edge.

Q. Okay. And so the verbal agreement that you entered into Ms. Smith was as simple as this: She said, "I'll do your mailer," and you said, "Accepted. Okay. I'll pay you when you send the invoice," right?

A. Pretty much.

Q. Okay. So that agreement was with Ms. Smith, not Phoenix Solutions?

A. That's right.

Q. Okay. What it is, is you're just -- you don't like the fact -- because you don't like Mr. Cothren, you don't like the fact that Ms. Smith used him to work on your mailer; is that right?

A. I don't like the fact that I was misled, that I was

1 led to believe that work was being done by someone that I  
2 would have never known of, heard of.

3 I was told -- I was lied to and told that Matthew  
4 Phoenix was a real person. Phoenix Solutions was a company  
5 headquartered in Santa Fe, New Mexico, and that this person  
6 had previously, as Matthew Phoenix, done work in Tennessee  
7 for political campaigns and would continue to do so from  
8 Santa Fe.

9 All of that was a total and complete fabrication.

10 Q. Ms. Hazlewood, did Ms. Smith tell you any of those  
11 things before you hired her to do the mail piece?

12 A. No.

13 Q. Did she tell you any of those things while she was  
14 working on the mail piece?

15 A. Not that I recall -- well, no, not that I recall.

16 Q. You thinking now maybe you might have heard about it  
17 while she was working on the mail piece?

18 A. No, because I didn't know about Phoenix Solutions  
19 until after the invoice came, which would have been after  
20 the development of the piece.

21 Q. Okay. So you -- she never mentioned any of those  
22 things you just said while she was working on the piece?

23 A. No. I was told that when I questioned who --

24 Q. Just yes or no. Just yes or no.

25 A. No.

1 Q. And she never told you any of those things before the  
2 work was completed?

3 A. I can't be certain about the timing, but I don't think  
4 so.

5 Q. Okay. So Ms. Smith told you no lies while she -- when  
6 she made this offer to you?

7 A. No.

8 Q. Thank you.

9 You're saying no -- you're saying she did not?

10 A. She did not overtly lie.

11 Q. You're just saying you would have liked to have known?

12 A. I'm saying I would have liked to have known. It was a  
13 decision. There are many other people who could have done  
14 the work, and I would not have used Cade or his company.

15 Q. Did you ask her who she was using?

16 A. I did not. And that's bad on me.

17 **MS. SHERWOOD:** No further questions.

18 **THE COURT:** All right.

19 You may step down. Thank you, Ms. Hazlewood.

20 Oh, do you --

21 **MR. FARMER:** No. I was simply going to say  
22 nothing from Mr. Casada, Your Honor.

23 (The witness stepped down.)

24 **THE COURT:** Okay. Thank you. I'll tell you  
25 what, though. I'll be careful to double-check you don't

1 have any recross in the future.

2 **MR. FARMER:** Thank you.

3 **THE COURT:** All right. If counsel want to  
4 approach on something real quick.

5 (WHEREUPON, a bench conference was had out of the  
6 hearing of the jury, as follows:)

7 **THE COURT:** All right. I'm hesitant to raise  
8 this because I don't like to put ideas in counsels' head  
9 where I don't have to. And here, I think I just need to  
10 raise this.

11 Do the defendants plan to bring out or make the  
12 point -- I think this is where you were going -- that  
13 such-and-such politician had a scandal and yet witnesses  
14 continued to support them?

15 I don't understand that. Once you do that,  
16 aren't you drawing a -- aren't you inviting the government  
17 to draw a comparison between the scandal that you're drawing  
18 out and their scandal?

19 Because if I'm the government and you're saying,  
20 "That's interesting. This guy had a scandal, and you  
21 continued to support him, isn't that interesting," if that  
22 happens, the government absolutely can get into the game of  
23 comparing scandals. And you don't want that, right?

24 **MS. SHERWOOD:** I guess that's where -- we thought  
25 it through thinking if we'd just use this same order, but I



1 guess didn't think it through.

2           **THE COURT:** Yeah, I do think if -- once you go  
3 there, then it's only fair for the government to say to the  
4 witness why the scandal was different. So I just wanted to  
5 caution that because that makes sense.

6           And I think that will help us stick to what we  
7 agreed to earlier and do what I'm -- I only speak for  
8 myself, but I'm confident that what counsel want to do is if  
9 we can prevent this from being a trial about really  
10 unfortunate remarks on those matters, so --

11           **MS. SHERWOOD:** Thank you.

12           **THE COURT:** -- does that make sense?

13           **MS. SHERWOOD:** Yes, Your Honor.

14           **THE COURT:** Okay. Thank you.

15           **IN UNISON:** Yes.

16           (WHEREUPON, the bench conference concluded, and  
17 the following took place within the presence and hearing of  
18 the jury:)

19           **THE COURT:** All right. If the government wishes  
20 to call its next witness.

21           **MR. TADDEI:** Your Honor, the government calls  
22 Esther Helton.

23           **THE COURT:** All right.

24           (The witness was sworn.)

25           ///

\* \* \*

ESTHER HELTON-HAYNES,

was called as a witness, and after having been first duly sworn, testified as follows:

**DIRECT EXAMINATION**

**BY MR. TADDEI:**

Q. Good afternoon, ma'am.

A. Good afternoon.

Q. Can you please introduce yourself to the jury.

A. Yes. My name is Esther Helton-Haynes.

Q. And what's your job, Ms. Helton-Haynes?

A. I serve in the House of Representatives. I represent District 30.

Q. How long have you worked in the House of Representatives?

A. For seven years.

Q. By House of Representatives, do you mean here in Tennessee?

A. Yes, I do.

Q. And is representative an elected position?

A. It is.

Q. What did you do before you were a representative?

A. I served on the East Ridge City Council, and I've also -- have a career as a nurse. I'm currently not practicing.

1 Q. Are you a member of a particular caucus within the  
2 House of Representatives?

3 A. I am.

4 Q. And what caucus is that?

5 A. The Republican caucus.

6 Q. Do you know an individual named Glen Casada?

7 A. I do.

8 Q. Do you see Mr. Casada in the courtroom today?

9 A. Yes, I do.

10 Q. Can you identify him by an article of clothing?

11 A. Looks like he has on a -- maybe a gray tie.

12 **MR. TADDEI:** Your Honor, may the record reflect  
13 the witness has identified --

14 **MR. YARBROUGH:** Your Honor there's not really an  
15 issue of identity in this case.

16 **THE COURT:** Let's approach on this real quick.

17 (WHEREUPON, a bench conference was had out of the  
18 hearing of the jury, as follows:)

19 **THE COURT:** And I think I know what you're  
20 saying. I also have seen different approaches to the extent  
21 to which you need to have a particular witness point out who  
22 it is you're talking about. But I think if we can get a  
23 stipulation that, when a witness refers to Mr. Cothren or  
24 Mr. Casada, it's y'all's clients, then you can probably  
25 forego that.

1           And I think one of the issues that I think is  
2 fair on Mr. Yarbrough's behalf is, you know, sort of shining  
3 a spotlight personally on the defendant over and over, if  
4 it's not necessary, is not a good thing.

5           **MR. TADDEI:** I think that's fair, Your Honor.

6           **MR. YARBROUGH:** We're not going to raise any  
7 issues about who's who.

8           **MR. TADDEI:** The only question that I would have,  
9 if I could add one more thing, is if there are questions  
10 that are raised about -- the only thing I'll raise in  
11 addition to that, if there are questions raised about how  
12 familiar a particular witness is with these people, to the  
13 degree they could recognize them, they know exactly who they  
14 are, could be relevant in that circumstance --

15           **THE COURT:** Well, I will say, look, if there  
16 seems to be some issue that arises for a particular witness,  
17 then -- you know, then I think you can address it. I don't  
18 know if I need to say something to the jury. We have an  
19 objection here. If I think -- if I resolve the objection, I  
20 should probably -- you know, I have to say something about  
21 whether I'm sustaining the objection.

22           So do we let this slide, this one slide, or do I  
23 sustain the objection but instruct the jury, you know, that  
24 unless instructed otherwise, if a counsel refers to  
25 Mr. Cothren, it's Defendant 2, and if it refers to

1 Mr. Casada, it's Defendant 1, so we don't have to do this.

2 **MS. LONGNECKER:** We're going to frame it in terms  
3 of the stipulation that the parties have agreed -- you're  
4 sustaining the objection that the parties agreed that people  
5 are referring to Mr. Casada and Mr. Cothren.

6 **THE COURT:** Unless otherwise instructed.

7 **MS. LONGNECKER:** Yeah.

8 **THE COURT:** Does that work?

9 **MR. TADDEI:** That works.

10 (WHEREUPON, the bench conference concluded, and  
11 the following took place within the presence and hearing of  
12 the jury:)

13 **THE COURT:** All right, folks. I'm going to  
14 sustain the objection. There was a question basically  
15 asking the witness to specifically identify Mr. Casada. The  
16 parties have stipulated, and therefore, you should accept as  
17 true, that if a party refers to Mr. Cothren, you know, the  
18 testimony indicates they're talking about Cade Cothren or  
19 Mr. Cothren, then he's talking about our defendant  
20 Mr. Cothren here; and that if a party refers to Mr. Casada  
21 or Representative Casada or Glen Casada, anything along  
22 those lines, he's referring to Mr. Glen Casada, our  
23 defendant in this case, unless I happen to instruct you  
24 otherwise. And that way, we won't have to go through the  
25 identification each time by the witness.

1 All right. Thank you. You may proceed,  
2 Mr. Taddei.

3 MR. TADDEI: Thank you, Your Honor.

4 BY MR. TADDEI:

5 Q. To back up, Representative Helton, the question was,  
6 do you know Mr. Casada?

7 A. Yes, I do.

8 Q. How do you know Mr. Casada?

9 A. I know him through the legislature. I served with  
10 him.

11 Q. Okay. By serve with him, do you mean were you and  
12 Mr. Casada both members of the House of Representatives  
13 together?

14 A. Yes.

15 Q. Do you know a person named Cade Cothren?

16 A. Yes.

17 Q. How do you know Mr. Cothren?

18 A. He was the chief of staff for Glen Casada.

19 Q. For the following questions, I'm going to ask you if  
20 you can just answer yes or no.

21 Around May 2019, was there a scandal relating to Cade  
22 Cothren and Glen Casada?

23 A. Yes.

24 Q. Was the scandal widely reported in Tennessee media?

25 A. Yes.

1 Q. Did Cothren resign from his position as chief of staff  
2 soon after news of the scandal broke?

3 A. Yes.

4 Q. Due in whole or in part to the scandal, did the  
5 majority of the House Republican Caucus vote they had no  
6 confidence in Casada as speaker?

7 A. Yes.

8 Q. Did Mr. Casada step down from his speakership shortly  
9 after that and remain an ordinary house representative?

10 A. Yes.

11 Q. Switching gears a little bit, do you know a person  
12 named Robin Smith?

13 A. I do.

14 Q. How do you know Ms. Smith?

15 A. I served with her in the legislature, but I knew her  
16 prior as well.

17 Q. What context did you know her prior?

18 A. Through political circles, and she was friends with --  
19 we had mutual friends.

20 Q. Are you familiar with the Tennessee legislature's  
21 postage and printing account program?

22 A. I am.

23 Q. What is that program?

24 A. You can do legislative updates with that. You can buy  
25 flags for constituents. You can have certificates framed,

1 things like that.

2 Q. By "you," who can use it? Who do you mean?

3 A. I can use it.

4 Q. By "I," in your position as a state representative?  
5 Is that what you mean?

6 A. Yes. Yes.

7 Q. Had you used it before 2019?

8 A. No.

9 Q. Where does the money come from to pay for some of  
10 those things that you just mentioned?

11 A. State.

12 Q. Who has the authority to approve the expenditure of  
13 that money for a constituent mailer?

14 A. I believe Connie Ridley did and the speaker of the  
15 house.

16 Q. Okay. And you mentioned the name Connie Ridley. Who  
17 is Connie Ridley?

18 A. She was a legislative -- I think she was legislative  
19 director.

20 Q. Okay. Did she work under the speaker's office in some  
21 way?

22 A. I think so.

23 Q. Who had the authority to approve or deny a vendor for  
24 the printing account program?

25 **MS. SHERWOOD:** Objection; assumes facts not in



1 evidence.

2 **THE COURT:** All right. Response to that?

3 **MR. TADDEI:** I can rephrase, Your Honor.

4 **THE COURT:** The question is withdrawn.

5 **BY MR. TADDEI:**

6 Q. If you know, did somebody within the Tennessee  
7 legislature have the authority to approve or deny a vendor  
8 for the postage program?

9 A. Yes.

10 Q. Who had that authority?

11 A. I think the speaker's office.

12 Q. In early 2020, did Robin Smith offer to do mailer work  
13 for your house office?

14 A. Yes, she did.

15 **MR. TADDEI:** If we could bring up, just for the  
16 witness and for the Court, Government Exhibit 109.

17 **BY MR. TADDEI:**

18 Q. Ms. Helton-Haynes, if I could direct your attention to  
19 the screen in front of you, is this an e-mail chain?

20 A. It is.

21 Q. Who is on this e-mail chain? What people?

22 **MS. SHERWOOD:** Objection; hearsay.

23 **THE COURT:** I don't think the question invited  
24 any testimony about a statement --

25 **MS. SHERWOOD:** Okay.

1           **THE COURT:** -- so I'm not sure I see a basis for  
2 the hearsay objection. Can you clarify?

3           **MS. SHERWOOD:** I would just say the e-mail being  
4 hearsay.

5           **THE COURT:** Oh, you're objecting to -- okay. So  
6 you're a little ahead of us, but all right.

7           Okay. Is this -- well, I'll tell you what.  
8 Let's -- let's walk through the process of getting to the  
9 point where you do offer the exhibit, and then we can see  
10 where we are.

11           You can make an objection at that time.

12           **MS. SHERWOOD:** Thank you.

13           **THE COURT:** Thank you.

14           **MR. TADDEI:** Thank you, Your Honor.

15 **BY MR. TADDEI:**

16 Q.       Ms. Helton-Haynes, so the question was: What  
17 individuals are on this e-mail chain?

18 A.       Me and Robin Smith.

19 Q.       And what's the subject?

20 A.       It's about a legislative update.

21           **MR. TADDEI:** Your Honor, the government moves to  
22 admit Government Exhibit 109.

23           **MS. SHERWOOD:** No objection.

24           **THE COURT:** All right. Government Exhibit 109 is  
25 admitted.

1           **MR. TADDEI:** Could we publish this for the jury,  
2 please.

3           **MS. SHERWOOD:** Your Honor, the first objection --  
4 I object because admitting this e-mail, I was -- the content  
5 of the e-mail is a coconspirator -- I mean, it's hearsay,  
6 the content of the e-mail.

7           **THE COURT:** Is not the purpose of the exhibit  
8 actually the effect on the listener? Are there any factual  
9 assertions in here that really are -- this is being offered  
10 for?

11           I can ask the government, but it seems to me it's  
12 really effect on the listener, right?

13           **MS. SHERWOOD:** I withdraw it, Your Honor.

14           **THE COURT:** All right. Thank you. So 109 is  
15 admitted.

16           (Government Exhibit 109 was marked and admitted  
17 into evidence.)

18           **MR. TADDEI:** Thank you, Your Honor.

19 **BY MR. TADDEI:**

20 Q.       So drawing your attention to the bottom e-mail first.  
21 What's being discussed here?

22 A.       It's the legislative update. If I want a survey or a  
23 legislative update, and I said legislative update.

24 Q.       Okay. And what's the date of this e-mail?

25 A.       November 27th, 2019.

1 Q. Okay. What are you, I guess, agreeing to do with  
2 Ms. Smith here?

3 A. A legislative update.

4 Q. Okay.

5 And we can take down that exhibit, please.

6 In terms of this legislative update, who do you think  
7 would be doing the work to put that together?

8 A. Robin.

9 Q. Was there a company that you think would be associated  
10 with the work?

11 A. Her company, River's Edge Alliance.

12 Q. Now, did you go forward with hiring Ms. Smith to do  
13 that legislative update on behalf of your office?

14 A. I did.

15 **MR. TADDEI:** Can we bring up Government  
16 Exhibit 110 for the witness and for the Court, please.

17 **BY MR. TADDEI:**

18 Q. Is this an e-mail?

19 A. It is.

20 Q. And who are the parties on the e-mail?

21 A. Robin Smith and me.

22 Q. And what's the subject?

23 A. The legislative update.

24 **MR. TADDEI:** Your Honor, the government moves to  
25 admit Government Exhibit 110.

1           **MS. SHERWOOD:** No objection.

2           **THE COURT:** All right. 110 will be admitted.

3           (Government Exhibit 110 was marked and admitted  
4 into evidence.)

5           **BY MR. TADDEI:**

6           Q. Directing your attention, Ms. Helton-Haynes, to the  
7 body of the e-mail, what is the -- I guess the banner at the  
8 bottom, what does that say?

9           A. River's Edge Alliance.

10          Q. And what is Ms. Smith communicating to you in the body  
11 of the e-mail? You don't have to read the whole thing; you  
12 can summarize your understanding.

13          A. Well, she said it was approved by the speaker's office  
14 and going to send it to, most likely, GOP voters.

15          Q. Okay. Is this the process that you understood for the  
16 approval and the sending of legislative mailers?

17          A. Yes.

18                 **MR. TADDEI:** We can take down this exhibit as  
19 well, please, Lauren.

20           **BY MR. TADDEI:**

21          Q. Around this time that that e-mail is sent in January  
22 of 2020, had you heard of a company called Phoenix  
23 Solutions?

24          A. I had not.

25          Q. When you hired River's Edge Alliance, did you think

1 any of the money would go to a company called Phoenix  
2 Solutions?

3 A. I did not.

4 Q. Did you care about the reputation of people involved  
5 in your communications with your constituents?

6 A. Yes.

7 Q. Why?

8 A. Because if they have a bad reputation, it reflects  
9 poorly on me.

10 Q. Could it reflect poorly on your office?

11 A. It could.

12 Q. Circling back to the 2019 scandal between Mr. Casada  
13 and Mr. Cothren, after that scandal, what was Mr. Cothren's  
14 reputation in the Tennessee legislature community?

15 A. It was not good.

16 Q. What's Mr. Casada's reputation in the Tennessee  
17 legislature community?

18 A. Not good.

19 Q. If you had believed that Mr. Cothren would have been  
20 involved in your constituent communications, would that have  
21 been capable of influencing your decision to do this project  
22 with Robin Smith?

23 A. Yes.

24 Q. If you had believed that Mr. Casada was involved in  
25 the company handling your constituent communications, would

1 that have been capable of influencing your decision?

2 **MS. SHERWOOD:** Objection; leading.

3 **THE COURT:** All right. Response as to whether  
4 that's leading.

5 **MR. TADDEI:** It's not leading, Your Honor. It's  
6 permissible to ask hypotheticals. And if Your Honor would  
7 like to inquire further, I'd be happy to approach and  
8 discuss with more detail.

9 **THE COURT:** All right. Yeah, let's approach on  
10 this one.

11 (WHEREUPON, a bench conference was had out of the  
12 hearing of the jury, as follows:)

13 **THE COURT:** Okay. So the general idea is you're  
14 thinking if -- you know, the question is if you had known or  
15 understood or believed that Mr. Casada was involved -- you  
16 know, the way you asked the question, the yes-or-no question  
17 was -- how do you recall the way you said it?

18 **MR. TADDEI:** The way I believe I said it was if  
19 you had believed that Mr. Casada was involved in the company  
20 handling your communications, would that have been capable  
21 of influencing your decision?

22 **MS. SHERWOOD:** That's yes-or-no.

23 **THE COURT:** And so --

24 **MR. FARMER:** For the record, Your Honor, we join  
25 in the objection as well.

1           **THE COURT:** Yeah. I think, based on this  
2 objection, it's -- and it's so clearly geared directly to an  
3 element, I think the way to do it is to ask it more -- I  
4 think it's fair to ask about it more open-ended, and then,  
5 you know, whatever -- one or more open-ended questions. And  
6 then when the time comes in closing arguments to say that  
7 this -- the answers given reflect that.

8           Otherwise, I do think we're having the witness  
9 being asked, really, in the -- in words that were pretty  
10 much like the element, whether it is, in fact, the case.

11           So you'll have discretion to ask open-ended  
12 questions and discretion to ask the jury to draw the  
13 inference at closing you need them to draw. But I think  
14 it's -- probably sustain the objection.

15           All right. Thank you.

16           **IN UNISON:** Thank you, Your Honor.

17           (WHEREUPON, the bench conference concluded, and  
18 the following took place within the presence and hearing of  
19 the jury:)

20           **THE COURT:** All right. So that objection is  
21 sustained.

22           Mr. Taddei may ask another question.

23           **BY MR. TADDEI:**

24           Q. When you discussed River's Edge Alliance with  
25 Ms. Smith, did she mention anyone else being involved in our



1 company?

2 A. No.

3 Q. Did you know whether Mr. Casada was involved or  
4 associated with her company?

5 A. No.

6 Q. If you had believed that he was, would that have  
7 influenced your decision to work with Ms. Smith?

8 **MR. FARMER:** Your Honor, same objection.

9 **THE COURT:** Yeah, I think I'm going to sustain  
10 that objection. You're welcome to ask another one,  
11 nonleading, related to the topic you're interested in.

12 **MR. TADDEI:** We can move on, Your Honor.

13 **BY MR. TADDEI:**

14 Q. Moving past early 2020, did you eventually become  
15 familiar with a company called Phoenix Solutions?

16 A. Yes.

17 Q. In fall 2020 did you hire Phoenix Solutions to do work  
18 for your campaign?

19 **MS. SHERWOOD:** Objection.

20 **THE COURT:** And what is the basis for the  
21 objection?

22 **MS. SHERWOOD:** Relevance.

23 May we approach?

24 **THE COURT:** You may.

25 (WHEREUPON, a bench conference was had out of the

1 hearing of the jury, as follows:)

2 **THE COURT:** Okay. All right.

3 **MS. SHERWOOD:** This is campaign-related work, so  
4 this is the objection that we were talking about at the  
5 pretrial conference. We object to any of the campaign work  
6 being admissible. First of all, it's not relevant. It's  
7 not res gestae. And it's -- for all the reasons that we  
8 said at the hearing. I don't know if we need to --

9 **THE COURT:** Well, okay. Yeah. Let me say this:  
10 First thing to say is I thought that a big part of the  
11 motion in limine was that the jury would be confused by the  
12 difference between the three. I just thought on the opening  
13 statement, defense counsel -- and this is to their credit --  
14 over and over hammered home the difference. And to  
15 Ms. Longnecker's credit, anyone that doesn't understand the  
16 difference wasn't listening.

17 And I think the notion of any confusion is right  
18 out the window because -- and I also think the defendants --  
19 even the defendants themselves have, without conceding that  
20 this is relevant -- that's not what I'm saying. I -- but  
21 what I am saying is the defendants themselves have said --  
22 have raised the issue of, hey, it's important to realize the  
23 distinction between the different kinds of work. And it  
24 is -- and I think the defense is in prime position on  
25 cross-examination and closing to limit the effect or any

1 improper inferences that could be drawn to references to the  
2 caucus work.

3 Now, having said that, that's -- so I think that  
4 goes to a main part of, I think, the motion in limine. I'm  
5 not at all thinking there's going to be confusion.

6 Now, on the issue did have -- but that's a 403  
7 thing, right?

8 On the issue of relevance, what is the relevance?

9 **MR. TADDEI:** The issue of relevance is, this was  
10 continued concealment and false statements by Robin Smith --

11 **MS. SHERWOOD:** You're too loud.

12 **MR. TADDEI:** I'm not too loud.

13 **MS. SHERWOOD:** He's too loud.

14 **MR. TADDEI:** -- continued concealment and efforts  
15 by Robin Smith to hide the fact that Cade Cothren was  
16 involved in not only Phoenix Solutions but associated with  
17 her and her companies. She lies about --

18 Can I please finish my answer?

19 **THE COURT:** All right. You're thinking he's  
20 speaking too -- all right. We'll all speak as softly as we  
21 can. It's not easy up here.

22 **MR. TADDEI:** So continued concealment,  
23 Your Honor. Her opinion as to working at Phoenix Solutions  
24 is also relevant for materiality as to earlier unknowing  
25 work with Phoenix Solutions through River's Edge Alliance.

1           **THE COURT:** One of the things that I would say  
2 about this -- I mean, part of me would be inclined to take  
3 the following approach, that when I came into today, take  
4 the following approach: Maybe there could be a little  
5 evidence of concealment on non-mailer-related stuff, non-PPA  
6 stuff on the issue of concealment, but there wouldn't  
7 necessarily need to be that much because I thought the fact  
8 of concealment was not really an issue.

9           I did hear the opening statement to hear  
10 defendants downplay the fact of concealment or that it  
11 mattered or that it was being concealed from everyone. And  
12 I think that puts in play the need for additional evidence  
13 as to the extent of the concealment, and it definitely makes  
14 this relevant.

15           Now, I'm happy to give considerable limiting  
16 instruction. But another piece on the 401/403 analysis is  
17 sort of, you know, a waste of time and cumulativeness and so  
18 forth.

19           How long are you going to take on this?

20           **MR. TADDEI:** I mean, I think I have seven or  
21 eight questions.

22           **MS. SHERWOOD:** Your Honor, just an additional  
23 piece, this isn't the same. She just -- you just heard that  
24 what -- she wasn't lied to about --

25           (Reporter clarification.)

1           **MS. SHERWOOD:** You just heard this witness  
2 testify -- well, you haven't heard yet; you heard  
3 Ms. Hazlewood testify. There were no lies told to her.  
4 None. There was concealment. Okay? Didn't tell.

5           What you're about to hear is that there were lies  
6 told. They don't have it on the postage and printing.  
7 Ms. Helton is going to say she never heard of any exclusions  
8 either for the postage and printing. So they want to bring  
9 in the campaign to get the lie they don't have. It's not  
10 the same.

11           **THE COURT:** Well, is the lie about concealment?

12           **MR. TADDEI:** The lie is continuing.

13           **MS. SHERWOOD:** No, it's overt, to say, "I'm  
14 Matthew Phoenix" to her, which he did not do that in the  
15 postage and printing.

16           **THE COURT:** Okay. Here's what I'm saying,  
17 though. You know, my view is that the -- whether it  
18 mattered that Matthew Phoenix's identity was concealed, the  
19 extent of the concealment, whether the defendants really  
20 cared about concealing, has been put in issue. And I just  
21 don't see that, well, just because it's not the postage and  
22 printing allowance matter, that somehow that means we can't  
23 have evidence related to concealment. That's kind of where  
24 I'm coming from.

25           I'm happy to give a limiting instruction, but I

1 do think -- you know, and I think -- you know, I'm really  
2 not taking a sort of a one-size-fits-all approach. I'm  
3 basing it on what I'm hearing the -- what's really in  
4 dispute in this case. I think it does go to an issue that  
5 is in dispute as identified.

6 So I think it's relevant. I'm not seeing a 403  
7 issue where anything substantially outweighs the probative  
8 value, which may not be great, but I just think we're going  
9 to be in a situation where, based on whenever we get to  
10 closing and the defendants are going to say, sure, there was  
11 concealment, but it wasn't that big of a deal; it wasn't  
12 everyone; it wasn't that extensive.

13 And that's why I think they're able to get into  
14 it.

15 **MR. TADDEI:** Your Honor, if I may, one additional  
16 aspect of this, too, is motive. She brought up the opening  
17 statements. They made a big deal over the allegation that  
18 this is only 4,000, \$7,000; it's small potatoes. The motive  
19 here, with respect to the mailer program evidence  
20 originally, was to get that business and then to continue  
21 making additional money.

22 If they're going to make the arguments that what  
23 they got was small potatoes, this goes directly to their  
24 motive for bigger business later on.

25 **THE COURT:** I think that's a fair point. You can

1 respond on that. But I do think what was implicit in the  
2 argument was, this was not worth doing anything bad about,  
3 but -- and I think they're allowed to respond to that.

4 Now, none of this is -- you know, one of the  
5 things, of course, about all of this is, if this evidence  
6 comes in, that's going to give the government some ability  
7 to obviously make its case on particular issues that I think  
8 ultimately do go to elements in the case.

9 But I also think none of it fundamentally -- I'm  
10 just going to say this because this goes to what I'm  
11 thinking about and what jury instructions we need to give.  
12 And it's going to color my additional views on evidentiary  
13 motions.

14 That, you know, in thinking about what's at issue  
15 and what isn't and what this goes to, I do think it goes to  
16 contested issues. But an interesting thing is, it doesn't  
17 really fundamentally affect at least a huge defense theory,  
18 which is that concealment could have been really bad. You  
19 still don't have a federal crime. And I'm cognizant of that  
20 as well.

21 But I do think that there is an issue about how  
22 motivated Mr. Cothren was to conceal and why. And you know  
23 from a prior motion in limine ruling of mine that I'm not  
24 going to take everything as motive evidence.

25 But I do think that the battle lines have been

1 drawn a bit about whether motive that would be indicative of  
2 the kind of intent that -- whatever the jury instructions  
3 are going to be -- the kind of intent required to violate  
4 the statutes. There have been battle lines drawn about the  
5 nature, extent, probably the time duration also of  
6 Mr. Cothren's motive to conceal who's behind Phoenix  
7 Solutions.

8 So I'm going to let -- you know, you can object  
9 to any particular question. I'm going to overrule the  
10 objection as to this line of questioning. But, you know, I  
11 don't know if there needs to be a limiting instructions.  
12 One of the things --

13 **MS. SHERWOOD:** Yes. We would request one. And  
14 is it going to be document -- he's going to introduce  
15 documents on this is what --

16 **MR. TADDEI:** I was planning on showing her an  
17 e-mail chain between her and Robin Smith in which Robin  
18 Smith introduces her to Matthew Phoenix.

19 **MS. SHERWOOD:** Why can't she just testify that?  
20 The more of this cumulative --

21 **MR. TADDEI:** That's not cumulative, Your Honor.

22 **THE COURT:** Well -- yeah, I think -- we'll see  
23 how it is. I do think one -- you know, let's say one  
24 exhibit will go with the testimony. Doesn't sound like a  
25 whole lot. And I think the government is allowed to attempt



1 to prove this aspect of its case with a document or two.

2 **MR. TADDEI:** That's what it is. Two e-mails  
3 relating to two invoices.

4 **THE COURT:** Okay.

5 **MS. SHERWOOD:** Was the -- what about the limiting  
6 instruction?

7 **THE COURT:** Now, here's -- what would you  
8 propose?

9 One of the things I can say is, you know, this is  
10 something that would dovetail nicely with what  
11 Ms. Longnecker was saying in her opening. This testimony is  
12 about certain communications not related to the postage and  
13 printing allowance --

14 **MS. SHERWOOD:** The charged --

15 **THE COURT:** -- which is, you know --

16 **MR. PHILLIPS:** I'm sorry. I just -- you would  
17 say it relates to the charged conduct --

18 **THE COURT:** Well, true, true. Yeah, yeah. I  
19 mean, you're right about that. So we've got to be careful  
20 in this regard. It's something like -- because what we're  
21 talking about here, is it campaign or caucus?

22 **MR. TADDEI:** This is campaign.

23 **MS. LONGNECKER:** Good question.

24 **THE COURT:** Yeah. "This upcoming evidence is  
25 about communications between the witness and Robin Smith

1 concerning," we'll say work -- well, concerning --

2 (Simultaneous cross talk.)

3 **THE COURT:** Yeah, I think -- yeah, because I  
4 think they will know that shorthand term, what it is,  
5 because of what Ms. Longnecker did with laying the  
6 foundation for that concerning campaign work, not work under  
7 the postage and printing allowance.

8 **MR. FARMER:** So, Your Honor -- I'm sorry.

9 **THE COURT:** Okay. I was going to say, "And you  
10 are reminded that campaign work did not involve any state  
11 funds" -- I mean, this is the way I'm going to try and cabin  
12 for them the notion of its importance, to put it that "it  
13 did not involve any state funds and did not involve any  
14 approval or payment processes or other activity by any -- by  
15 the speaker's office or any state officials or agencies."

16 I think that's --

17 **MS. SHERWOOD:** In case they -- I'm fine with that  
18 too. One other thought is, if you say "did not involve any  
19 state funds" --

20 **THE COURT:** "Involve any approval or payment  
21 processes or other activity by the speaker's office or any  
22 state officials or agencies."

23 **MS. SHERWOOD:** I like that. But do you think  
24 that they will understand, when you say it doesn't involve  
25 state funds, that that means it's not charged conduct?

1           **MR. TADDEI:** It is charged conduct.

2           **MS. SHERWOOD:** Okay. I see. You're trying to --  
3 okay. Got it.

4           **THE COURT:** Yeah. So I think I want to be  
5 careful not to say, well, this whole thing -- you know, that  
6 it doesn't have anything to do with the case at all, but to  
7 describe it in a way that they'll understand the limited  
8 function. And additionally -- I was going to say,  
9 additionally, if you need to get back to this at closing to  
10 say, look, you've heard from the government, so there's all  
11 this testimony about campaign work and all this.

12           The judge instructed you. This doesn't involve  
13 all the things that are at the heart of the government's  
14 case. A limiting instruction sets you up to make that  
15 argument as you see fit. So I think that's the fair way to  
16 do it.

17           Do you have any objection to that limiting  
18 instruction?

19           **MR. TADDEI:** I don't think so, Your Honor.

20           **THE COURT:** Okay.

21           **MR. FARMER:** Just housekeeping, Your Honor. I  
22 know you had said for the coconspirator, when one party  
23 objects, everybody objects.

24           **THE COURT:** Yeah, yeah.

25           **MR. FARMER:** Is that true for all objections? I

1 don't want to just jump up and --

2 **THE COURT:** Well, can we stipulate that if one  
3 defendant makes an objection, it's deemed preserved for  
4 both?

5 **MR. TADDEI:** I can't imagine trying to parse that  
6 appellate record, so that sounds fine to me, Your Honor.

7 **THE COURT:** All right. Thanks, folks.

8 (WHEREUPON, the bench conference concluded, and  
9 the following took place within the presence and hearing of  
10 the jury:)

11 **THE COURT:** Okay. Thank you.

12 All right. So here's how we're going to proceed,  
13 folks. A question had been asked and there was an  
14 objection. I'm going to deem that question withdrawn.  
15 Mr. Taddei can ask another.

16 He's about to go into some questions that are  
17 related to an -- involve communications between the witness  
18 and Robin Smith concerning campaign work, not work under the  
19 postage and printing allowance program.

20 And you are reminded that campaign work did not  
21 involve any state funds and did not involve any approval or  
22 payment processes or other activity by the speaker's office  
23 or any state officials or agencies.

24 So, with that understanding and that caveat about  
25 the purpose of this evidence, Mr. Taddei may inquire.

1                   **MR. TADDEI:** Thank you, Your Honor.

2           **BY MR. TADDEI:**

3           Q.       Going back to my last question, Ms. Helton.

4                   In fall of 2020, did you hire Phoenix Solutions to do  
5 work for your campaign?

6           A.       I did.

7           Q.       Did anyone recommend Phoenix Solutions to you?

8           A.       Yes.

9           Q.       Who recommended Phoenix Solutions to you?

10          A.       Robin Smith.

11          Q.       What, if anything, did Robin Smith tell you about  
12 Phoenix Solutions?

13          A.       She told me that she met Matthew Phoenix at Turning  
14 Point USA.

15                   **MR. FARMER:** And, Your Honor, we'll object to the  
16 hearsay on this line of questioning.

17                   **THE COURT:** Oh, oh, yeah. So the objection there  
18 was to hearsay.

19                   **MR. TADDEI:** Response, Your Honor, is  
20 801(d)(2)(E).

21                   **THE COURT:** All right. So I think counsel know  
22 how to proceed. This will be conditionally admitted.

23           **BY MR. TADDEI:**

24          Q.       Did she say anything else about Matthew Phoenix or his  
25 background?

1 A. Just that he had experience, and he moved to New  
2 Mexico. I can't really remember where he lived prior.

3 Q. Did she introduce you to Matthew Phoenix?

4 A. No -- via e-mail.

5 Q. Via e-mail?

6 A. Via e-mail.

7 Q. Okay.

8 Lauren, can we bring up Government Exhibit 105 for the  
9 witness and the Court, please.

10 Can you see that exhibit on your screen, Ms. Helton?

11 A. I can.

12 Q. Okay.

13 If we can zoom in a little on the top for her, please,  
14 Lauren. Thank you.

15 Who is this e-mail chain between?

16 A. From Robin Smith to me.

17 Q. Okay. And what's the date?

18 A. It is October 12th, 2020.

19 Q. And the subject?

20 A. It's about --

21 **MS. LONGNECKER:** I'm sorry to interrupt. We  
22 cannot see the exhibit.

23 **THE COURT:** Oh, okay. Let's see about putting it  
24 up on counsel's screen.

25 **COURTROOM DEPUTY:** I don't know what's wrong. We

1 may have locked up. Let me try again.

2 **THE COURT:** Okay. Stand by.

3 (Respite.)

4 **THE COURT:** Okay. All right. Let's --

5 **MR. TADDEI:** We can do a paper copy, Your Honor,  
6 or counsel is welcome to come huddle around me, whatever.

7 **THE COURT:** Yeah, let's -- do y'all have a paper  
8 copy to show counsel? We'll try to fix this on the break.

9 **MR. FARMER:** Mr. Taddei, you'll tell us a number.

10 **MR. TADDEI:** 105.

11 I've handed the defense a hard copy of Government  
12 Exhibit 105.

13 **THE COURT:** All right. Thanks for that.

14 We'll check on the break and see if we can work  
15 out the kinks here.

16 Thank you. You may proceed.

17 **BY MR. TADDEI:**

18 Q. The next question, Ms. Helton, was what's the subject  
19 of the e-mail?

20 A. It's about me needing to send checks to -- to the GOP  
21 for the postage because you could get a discount through  
22 them.

23 **MR. TADDEI:** Your Honor, the government moves to  
24 admit Government Exhibit 105.

25 **THE COURT:** All right. Not hearing any

1 objection . . .

2 (Government Exhibit 105 was marked and admitted  
3 into evidence.)

4 **MR. TADDEI:** Can we publish to the jury, please?

5 **THE COURT:** Yes.

6 **MS. SHERWOOD:** Well, object -- I do have --

7 **THE COURT:** Do you want to object? Am I not  
8 giving you enough time --

9 **MS. SHERWOOD:** It's the same objection,  
10 Your Honor, to relevance, to hearsay.

11 **THE COURT:** Okay. What -- well, on the issue of  
12 relevance, anything beyond what we discussed previously?

13 **MS. SHERWOOD:** No, Your Honor.

14 **THE COURT:** The same line? Okay. All right.

15 So the relevance objection is overruled based on  
16 what we had discussed.

17 And then on the hearsay piece, what's the  
18 government's response?

19 **MR. TADDEI:** 801(d)(2)(E), Your Honor, or, you  
20 know, effect on the listener.

21 **THE COURT:** Yeah, and I'm going to say two  
22 things. Counsel can note this for later on the 801(d)(2)(E)  
23 issue.

24 On that issue, it's conditionally admitted. But  
25 I'm going to admit it unconditionally, alternatively, that



1 this is effect-on-the-listener evidence.

2 So that objection is overruled in that way. You  
3 may continue.

4 **MR. TADDEI:** Thank you, Your Honor. Is this  
5 published to the jury?

6 **THE COURT:** You may publish.

7 **MR. TADDEI:** Thank you.

8 **BY MR. TADDEI:**

9 Q. Ms. Helton, can you please read what Ms. Smith wrote  
10 to you.

11 A. "Esther, please note that two checks need to be sent.  
12 Please overnight one to the Tennessee GOP for postage. It  
13 won't be sent without the check on hand. The other payment  
14 goes to the vendor. Thank you. Robin Smith, senior project  
15 manager."

16 Q. What vendor did you understand her to be referring to,  
17 if any?

18 A. Phoenix Solutions.

19 Q. And if we could drop down that box, please, and go  
20 down to the e-mail below.

21 What is the "from" and "to" on that below e-mail?

22 A. It's from Phoenix Solutions to House of  
23 Representatives, Robin Smith. And then it's about my  
24 invoice.

25 Q. Okay. And then a little bit further down on the page,

1 does it say Phoenix Solutions sent you an invoice?

2 A. Yes.

3 Q. And for what amount?

4 A. \$5,406.43.

5 Q. Did you pay that amount?

6 A. I'm sure I did.

7 Q. Did the money come out of your campaign account?

8 A. Yes.

9 **MR. TADDEI:** We can take down that exhibit,  
10 please.

11 Can we show the jury -- I'm sorry. Can we show  
12 the witness and the Court Government Exhibit 106.

13 And for the record, I've handed a hard copy to  
14 the defense.

15 **BY MR. TADDEI:**

16 Q. Is this an e-mail exchange?

17 A. Yes, it is.

18 Q. Who is it between?

19 A. It's from me to Robin.

20 Q. What's the date?

21 A. It's October 19th, 2020.

22 Q. And the subject?

23 A. It's about the same thing, postage and then -- paying  
24 the vendor and postage.

25 **MR. TADDEI:** Your Honor, we move to admit

1 Government Exhibit 106.

2 **MR. FARMER:** Same objection, Your Honor.

3 **THE COURT:** Same objection?

4 Okay. It's overruled for the same reasons.

5 Thank you.

6 (Government Exhibit 106 was marked and admitted  
7 into evidence.)

8 **MR. TADDEI:** Can we please publish for the jury.

9 **BY MR. TADDEI:**

10 Q. So the second e-mail down, Ms. Helton, can you read  
11 what Robin Smith wrote?

12 A. Okay. Well, I responded, "Will do. Thanks."

13 And then, "As the last time, please overnight a check  
14 to Tennessee GOP for postage. The other check to the mail  
15 vendor can be regular mailed. This is your law and order  
16 piece that will hopefully hit mailboxes this Thursday or  
17 Friday."

18 Q. And to what mail vendor, if any, did you understand  
19 she was referring?

20 A. Phoenix Solutions.

21 Q. If we could pop back out to the larger document.

22 A little bit further down the page, again, does it say  
23 Phoenix Solutions sent you an invoice?

24 A. Yes.

25 Q. And what was the amount for this invoice?

1 A. \$5,265.06.

2 Q. Did you pay that amount?

3 A. I did.

4 Q. Did that money come out of your campaign account?

5 A. Yes, it did.

6 Q. We can take down that exhibit, please.

7 Now, Ms. Helton, if you had believed that Mr. Cothren  
8 was behind Phoenix Solutions, what impact, if any, would  
9 that have had on your decision to hire Phoenix Solutions?

10 A. I would not have hired them.

11 Q. Why not?

12 A. Just because of the scandal that occurred.

13 Q. If you would believe that Mr. Casada was involved in  
14 Phoenix Solutions, what impact, if any, would it have had on  
15 your decision to hire Phoenix Solutions?

16 A. I would not have hired them.

17 **MR. TADDEI:** No further questions, Your Honor.

18 **THE COURT:** All right. Thank you.

19 **CROSS-EXAMINATION**

20 **BY MS. SHERWOOD:**

21 Q. Good afternoon, Ms. Helton.

22 A. Hi. Good afternoon.

23 Q. I'm Cynthia Sherwood, and I represent Cade Cothren.  
24 And I'll have some questions for you as well.

25 A. Okay.

1 Q. I won't go through your background. I think you went  
2 through that with them.

3 I wanted to talk to you about the legislature, the  
4 general assembly's official duties, what your job is, what  
5 you're hired to do.

6 And would you agree with me that the primary purpose  
7 of a general assembly member is to make laws, pass laws?

8 A. Yes.

9 Q. You also are -- maybe it's even in the Constitution.  
10 You do the annual budget -- prepare the annual budget for  
11 the State of Tennessee; is that right?

12 A. That's correct.

13 Q. Okay. You elect certain state constitutional  
14 officers?

15 A. Yes.

16 Q. Okay. Would it be fair to call these things your  
17 official duties?

18 A. Yes.

19 Q. Are you aware that many members of the general  
20 assembly have jobs other than -- well, they have other jobs?

21 A. Yes.

22 Q. Okay. Because it's a part-time legislature?

23 A. Yes, ma'am.

24 Q. Are you familiar with Tim Rudd's consulting company?

25 A. Vaguely.

1 Q. Vaguely. Are you aware that it does constituent  
2 mailers for legislators?

3 A. Yes.

4 Q. Did you know Mr. Casada when he was serving in -- when  
5 he was serving in the house?

6 A. Yes.

7 Q. Okay. And he was pretty good at fundraising, pretty  
8 good at getting people elected?

9 A. Yes.

10 Q. And he helped your house -- I think it's 23 members  
11 came in with your group, including you?

12 A. Yes.

13 Q. And he had a big hand in getting all of you guys  
14 elected, didn't he?

15 A. Yes.

16 Q. And did Cade Cothren help him?

17 A. I would see him with him.

18 Q. Okay. Because he's been his aide for many years  
19 helping him perform his duties, correct?

20 A. Yes.

21 Q. You also knew Ms. Smith, Robin Smith, when she was --  
22 well, you've known her for a long time, have you not?

23 A. I would say nine years. But prior to that, I just  
24 knew of her.

25 Q. You've known her since you were running for city

1 council; is that right?

2 A. I met her through the man that I'm currently married  
3 to.

4 Q. Okay. And did she do any work on your city council  
5 campaign?

6 A. No.

7 Q. Okay. Ms. Smith did help you run your 2018 house of  
8 representatives campaign, didn't she?

9 A. Yes.

10 Q. And she did a good job? You were elected?

11 A. She did. She did.

12 Q. All right. I want to talk about the postage and  
13 printing account. That -- those funds are governed --  
14 they're addressed in the policies and procedures. Have you  
15 read the postage and printing account allowance procedures  
16 before?

17 A. I don't recall.

18 Q. Okay. Maybe we don't have to get those out.

19 So let me ask you about this. So Ms. Smith just  
20 offered to do your mailer; is that right?

21 Did she just reach out to you and say, "Would you like  
22 me to do a legislative update or a survey?"

23 A. Yes.

24 Q. And I think she said, "I'm doing one for Patsy; do you  
25 want one too?"

1 A. Yes.

2 Q. And you said, "Yes. Thank you"?

3 A. Yes.

4 Q. Okay. So you took her up on her offer and agreed to  
5 do that with her. And we've got -- let's see.

6 You understood that you were hiring Ms. Smith's  
7 company River's Edge?

8 A. Yes.

9 Q. All right. And you exchanged several texts back and  
10 forth with Ms. Smith where she was talking about the content  
11 of it. Do you recall that, about what your mailer was going  
12 to look like?

13 A. Vaguely.

14 Q. Okay.

15 Can we pull up Defense Exhibit 117, which is Tab 5.  
16 We'll just start out with the first.

17 Well, first of all, tell me if you recognize this as a  
18 text exchange between you and Ms. Smith.

19 A. If it's there, I'm sure it's legitimate.

20 Q. Okay.

21 **MS. SHERWOOD:** I'd like to introduce this as  
22 Defendants' Exhibit -- what did I just say? 117? 117.

23 **MR. TADDEI:** Your Honor, a point of clarification  
24 first.

25 **THE COURT:** Yeah.



1           **MR. TADDEI:** How many pages is this text?

2           **MS. SHERWOOD:** Good question. This is -- they're  
3 single-sided? They're double-sided. Well, either side,  
4 they're one, two, three, four -- four pages.

5           **THE COURT:** All right. Have you seen all the  
6 pages?

7           **MR. TADDEI:** No, Your Honor. We only see one  
8 initial exchange, it appears.

9           **THE COURT:** There's only one up on the screen.

10          **MS. SHERWOOD:** Can you scroll?

11          **THE COURT:** Do you want to -- do you have the  
12 paper of it? Ms. Jackson may have the original.

13          **MR. TADDEI:** Your Honor, we've pulled it up on  
14 our own system. It looks like it's a five-page exhibit,  
15 actually.

16          **MS. SHERWOOD:** One, two, three -- oh, there's a  
17 photo. It is five -- five pages of -- four pages of text.

18          **THE COURT:** All right. Any objection to the full  
19 scope of this exhibit?

20          **MR. TADDEI:** I think we would request first,  
21 Your Honor, that the witness have an opportunity to read the  
22 full exhibit first.

23          **THE COURT:** Okay. So right now we're at the --

24          **MS. SHERWOOD:** May I approach?

25          **THE COURT:** Well, do you want to have her review

1 the full paper version?

2 Okay. All right. That's fine.

3 **MS. SHERWOOD:** That will be quicker, I think, for  
4 her.

5 **THE COURT:** Okay.

6 So let's be clear about what the witness should  
7 be doing, reviewing to see whether she can say whether these  
8 are texts between her and Ms. Smith. That's her current  
9 goal right now, right?

10 **MS. SHERWOOD:** Yes, Your Honor.

11 **THE COURT:** Yep.

12 (Respite.)

13 **MS. SHERWOOD:** You could actually keep those  
14 there if it's easier to look at.

15 **THE COURT:** Yeah, yeah. That's fine. Yeah.  
16 That works.

17 **BY MS. SHERWOOD:**

18 Q. So if you'd look at the first text on that page, that  
19 is -- we're just going a little bit backwards from what we  
20 were talking about, but that's when she says she's talking  
21 about wanting to do your --

22 **MR. TADDEI:** Your Honor, objection. Has this  
23 been admitted yet?

24 **MS. SHERWOOD:** Oh, I'd like to admit this.

25 **THE COURT:** Well, I tell you, let's make sure --

1 Have you been able to kind of take a look at all  
2 those texts?

3 **THE WITNESS:** I did, yes, Your Honor.

4 **THE COURT:** Would you say that all of them are  
5 texts going one way or the other between you and Robin  
6 Smith?

7 **THE WITNESS:** Yes.

8 **THE COURT:** Okay.

9 All right. The offer has been made. Any  
10 objection?

11 **MR. TADDEI:** No further objection, Your Honor.

12 **THE COURT:** Okay. All right. 117 is admitted.

13 (Government Exhibit 117 was marked and admitted  
14 into evidence.)

15 **BY MS. SHERWOOD:**

16 Q. Okay. The first text, Ms. Smith, is saying find out  
17 your postage and printing account balance, and y'all are  
18 talking about that?

19 A. Yes.

20 Q. See if you had enough to do the mailer. And then  
21 Ms. Smith, on the second page there, if we can go to the  
22 second page, is working with you on this, right?

23 She says, "I've been thinking of issues you might want  
24 to include," and she's texting back and forth with you  
25 during this process, right?

1 A. Yes.

2 Q. Then she reaches out to you and says on the next  
3 page -- the third page, "Do you have a picture -- a pic with  
4 you and Governor Lee?" Because she wanted that for your  
5 mailer, and --

6 A. Yes.

7 Q. She's working through all those issues with you.

8 Checks back and forth a little bit more, and then the  
9 last page of that exhibit -- if we can go to that -- is a  
10 picture of you and Governor Lee that she was getting for  
11 your mailer?

12 A. Yes.

13 Q. Okay. In getting you to -- asking you if she could do  
14 your mailer or your survey, she never mentioned Phoenix  
15 Solutions to you, did she?

16 A. No.

17 Q. She didn't mention Matthew Phoenix to you?

18 A. No.

19 Q. So she didn't tell you any lies about Matthew Phoenix  
20 or Phoenix Solutions when she's saying, "Hey, Esther, can I  
21 do your mailer?"

22 A. No. She -- no.

23 Q. And when you hired her -- well, how many times had you  
24 hired her before? I know she -- well, let me ask you this:  
25 She ran your 2018 campaign; is that correct?

1 A. She did along with Vince Butler.

2 Q. Okay. And is Vince somebody, her partner or somebody  
3 who works for her?

4 A. They did, but he was not a part of her company.

5 Q. Okay. When you hired her to design -- or to do this  
6 mailer, you did not think that Robin Smith was going to be  
7 doing all of the things behind the scenes, did you -- the  
8 printing, the mailing, the design or all of it? Did you  
9 know who-all was working on this project with her?

10 A. I didn't ask.

11 **MS. SHERWOOD:** Okay. So let's see. Let's pull  
12 up Defense Exhibit 115, which is at Tab 8. Actually, that  
13 might have been one that the government just admitted.

14 **THE COURT:** Do you want 115 pulled up?

15 **MS. SHERWOOD:** Yes.

16 **THE COURT:** Okay.

17 (Discussion off the record.)

18 **MS. SHERWOOD:** The government just admitted that  
19 one. You want us to use the government -- there's one  
20 admitted, but we'd like it to be a defendants' exhibit as  
21 well.

22 **THE COURT:** Well, I do think you have two  
23 choices. You're allowed to elicit evidence in the form of  
24 questions based on any exhibit already in evidence, whether  
25 it's your own or the government. But if you have a

1 particular reason to have something in the record as a  
2 defense exhibit, then you are free to do that as well. So  
3 it's your call.

4 **MS. SHERWOOD:** We'll just introduce this as  
5 Defendants' Exhibit 115.

6 **THE COURT:** All right. Let's pull it up for the  
7 witness's identification.

8 **BY MS. SHERWOOD:**

9 Q. And the government showed you this a moment ago. I  
10 think this is about your -- I'm not sure if they did or not.  
11 This is about your legislative update. And you see here,  
12 Ms. Smith tells you the designer who did this is going to  
13 continue to watch for photos.

14 So, you know, she lets you know she had some designer  
15 working on it, correct?

16 A. Yes.

17 Q. And you didn't ask her about who that might be because  
18 you didn't really care who all was behind the scenes doing  
19 this work, did you?

20 **THE COURT:** One moment. I'm sorry.

21 (Respite.)

22 **THE COURT:** All right. I'm sorry. Could you  
23 read the question back, Ms. Watson.

24 (WHEREUPON, the reporter read back the pending  
25 question.)

1           **THE WITNESS:** Yes and no, because she usually had  
2 used people locally, so I assumed she was for this, I guess.

3 **BY MS. SHERWOOD:**

4 Q. But you didn't ask --

5           **THE COURT:** Well, let me clarify this. Right  
6 now, you know, there hasn't been a technical offer of this.  
7 This appears to me to be identical to Government  
8 Exhibit 110.

9 Does the government agree with that?

10 **MR. TADDEI:** Yes, Your Honor.

11 **THE COURT:** All right. So for the record, we can  
12 be clear: Defense wants their own exhibit, and it's  
13 Defense 115. But before we can show it, we need to see  
14 whether it's admitted.

15 Does the government agree to allow this to be  
16 admitted since it was admitted as a government exhibit  
17 anyway?

18 **MR. TADDEI:** Yes, Your Honor.

19 **THE COURT:** All right. So we now have an  
20 admitted exhibit. And if you need to display it to the  
21 witness or the jury for any reason, you may do so. All  
22 right.

23 (Defense Exhibit 115 was marked and admitted into  
24 evidence.)

25 ///

1 BY MS. SHERWOOD:

2 Q. But Robin was your friend, and she'd done work with  
3 you in the past, correct?

4 A. Yes.

5 Q. And you trusted her to do good work?

6 A. I did, yes.

7 Q. And she did good work on this. You got a good  
8 product, didn't you?

9 A. Yes.

10 Q. But when you got this, you hadn't said the designer --  
11 you were, like, trusted Robin to do what she needed to do to  
12 give you the product?

13 A. Yes.

14 Q. I'm going to go to the second page of that. It's the  
15 same exhibit. And that's the invoice you received from  
16 River's Edge; is that right?

17 A. I don't recall --

18 Q. Okay.

19 A. -- this.

20 Q. And let's take a look at the next page. Tell me if  
21 that is the postage and printing mailer that was drafted for  
22 you or that she prepared for you.

23 A. I think so.

24 Q. We can look at the second page too and that might help  
25 you be even more clear. Oh.



1 A. Yes, because this was at the Red Wolves  
2 groundbreaking.

3 Q. Okay. And you told me a moment ago that it was good  
4 work, but you actually -- do you remember telling her that  
5 you loved this mailer that she had prepared for you?

6 A. Possibly.

7 Q. Let's just pull it up so we can look at it. Defense  
8 Exhibit 116.

9 A. "I love it. Thank you so much."

10 So yes.

11 Q. Okay.

12 **THE COURT:** Now, let's walk through it this way.  
13 How many texts are you offering to admit? Is it one page  
14 worth of texts?

15 **MS. SHERWOOD:** It is -- what number was that?  
16 Defense Exhibit 116. It is several pages. So it's five  
17 pages of texts. There is the mailer.

18 **THE COURT:** Okay.

19 **MS. SHERWOOD:** And then a message on the back.

20 **THE COURT:** Now, do you want to introduce the  
21 whole document? Do you want to use this document just to  
22 refresh as to the last question?

23 **MS. SHERWOOD:** I want to introduce all of the  
24 text, Your Honor.

25 **THE COURT:** Okay. Here's what we'll do, then.

1 We'll take our midafternoon break, take about 15 minutes or  
2 so. And we'll pick back up with the cross-examination when  
3 you get back, folks. Thanks.

4 (WHEREUPON, the jury was excused from the  
5 courtroom at 3:11 p.m., with matters being heard in open  
6 court as follows:)

7 **THE COURT:** All right, folks. Thanks. Please be  
8 seated.

9 Here's what I'm going to recommend. We come back  
10 in 15 minutes or so. We'll have the witness retake the  
11 stand, and maybe while the jury is still out, if it's all  
12 right with everyone, have a review of the document -- it's a  
13 bunch of pages -- so that when she comes back, she can  
14 answer the question that will be put to her as to whether  
15 she recognizes it for purposes of authenticating it. And  
16 then we can go from there.

17 Alternatively -- well, she should look at the  
18 whole thing anyway, even if the government was to stipulate.  
19 So let's do it that way.

20 All right. Anything else we need to discuss at  
21 this time?

22 **MR. TADDEI:** No, Your Honor.

23 **THE COURT:** Thank you.

24 **MR. YARBROUGH:** No, Your Honor.

25 **THE COURT:** All right. Counsel, we'll see you in

1 about 15. Thank you.

2 (Recess 3:13 p.m. to 3:37 p.m.)

3 **THE COURT:** All right. We can call in our jury.

4 (WHEREUPON, the jury reentered the courtroom at  
5 3:37 p.m., with matters being heard in open court as  
6 follows:)

7 **THE COURT:** Thanks, folks. Please be seated.

8 All right.

9 **BY MS. SHERWOOD:**

10 Q. Okay. Ms. Helton, we were looking at Defense  
11 Exhibit 116. Have you had a chance to review that?

12 A. I did.

13 Q. And is that a text message exchange between you and  
14 Ms. Smith?

15 A. Yes, it is.

16 Q. And see at the back are the attachments that were  
17 included in the -- the PDFs that were included in the text  
18 exchanges.

19 A. Yes.

20 **MS. SHERWOOD:** I'd like to enter that as  
21 Defendants' Exhibit 116.

22 **THE COURT:** Any objection?

23 **MR. TADDEI:** No, Your Honor.

24 **THE COURT:** All right. Thank you.

25 116 is admitted.

1 (Defense Exhibit 116 was marked and admitted into  
2 evidence.)

3 **MS. SHERWOOD:** Can we pull out that -- call up  
4 that first text on the first page?

5 **BY MS. SHERWOOD:**

6 Q. She says -- Ms. Smith says to you, "Take a look at the  
7 first draft. It has to be approved by the speaker's  
8 office."

9 And what she means by approval, she means the  
10 speaker's office now has to approve the content of this  
11 mailer; is that correct?

12 A. I'm not sure if it's content or cost. I'm not sure.

13 Q. So the speaker's office approves the -- so the  
14 speaker's office -- that gets me to a question I was going  
15 to ask later. The speaker's --

16 A. Sorry.

17 Q. No, that's okay.

18 The speaker's office does two things with respect to  
19 these mailers, correct? One is approve the content to make  
20 sure it is not campaigning, and two is to approve the price  
21 and pay the invoice?

22 A. Yes.

23 Q. Okay. And you're free to hire whatever vendor you  
24 want to hire?

25 A. Yes.

1 Q. And so here you see she's saying that the content has  
2 been approved, but she's also wanting to add a little bit  
3 more. She's still working on it. Ms. Smith says she wants  
4 to add a state seal and do a little bit more sprucing up to  
5 it.

6 Is that what she says?

7 A. Yes.

8 Q. Okay. And just if we can scroll through these texts.  
9 We go to the next page. You guys are still talking about  
10 the texts -- I mean, the mailer back and forth, about  
11 getting approval.

12 And if we go to the next page, if we can call out the  
13 first one, she says, "Once approved, I'll get you the cost  
14 of everything and work on getting the invoice to Connie  
15 Ridley for payment."

16 So just to walk through -- let me get through this,  
17 and then we'll do that.

18 The next page, you just continue to talk. She's  
19 continuing to work with you on this about how to get the  
20 invoice in and how -- when you're going to mail it out.

21 Is that what's going on?

22 A. Yes.

23 Q. And then the next page which is page 5, she says, "The  
24 invoice is less than \$5,000. We can do another piece in the  
25 summer."

1           What did you tell her?

2       A.     "Sounds good."

3       Q.     "Sounds good."

4           And then the following pages is just a copy of the  
5     mailer that she sent in to the speaker's office for content  
6     approval we've already talked about.

7           And then the last page, if we could go to that. This  
8     is where she's showing you that Scott -- would that be Scott  
9     Gilmer?

10      A.     Yes.

11      Q.     He's chief of staff?

12      A.     Yes.

13      Q.     Or was at that time for Cameron Sexton?

14      A.     Yes.

15      Q.     And this is where Scott Gilmer is telling Connie this  
16     is approved and that the invoice can be paid; she can use  
17     the postage and printing fund.

18      A.     Yes.

19      Q.     All right.

20           You can take the exhibit down.

21           The most important thing that you wanted out of this  
22     transaction with Ms. Smith was to get a good, high-quality  
23     mailer, correct?

24      A.     Yes.

25      Q.     And we looked at that exhibit earlier where you said

1 you loved the mailer.

2 A. Yes.

3 Q. And is that true? Did you love it?

4 A. Yes.

5 Q. So let me just make sure I understand from you how  
6 this process worked. Ms. Smith comes to you, says, "Can I  
7 do your mailer?" you say, "Sure, no problem." is kind of  
8 what happened here, correct?

9 A. Yes.

10 Q. And then once she has it ready to go, you know, has it  
11 like we looked at, she sends it to the speaker's office to  
12 make sure there's nothing campaign-related in there?

13 A. Yes.

14 Q. And then she mails it out and sends the invoice to  
15 Connie Ridley. Is that how it works?

16 A. Yes.

17 Q. When you see -- received the invoice for payment, you  
18 didn't have any reason to question the amount, what you were  
19 charged? You thought it was a fair price?

20 A. Yes.

21 Q. So Ms. Smith hired what you -- did what you hired her  
22 to do?

23 A. Yes.

24 Q. And you understood that Robin Smith had a consulting  
25 company and that she would make money from doing this

1 consulting work, correct?

2 A. Yes.

3 Q. I'm sorry. You understood she was -- she would make  
4 money from doing this consulting work?

5 A. Yes.

6 Q. You didn't have any agreement whatsoever with Phoenix  
7 Solutions to do your mailer, did you?

8 A. No.

9 Q. In fact, you never heard of them when this process was  
10 going on?

11 A. No.

12 Q. You had not heard of them?

13 A. No.

14 Q. Okay. The agreement was Ms. Smith would do the work  
15 and you would -- you were anticipating paying with your  
16 postage and printing funds, correct?

17 A. Correct.

18 Q. But if you did not have enough postage and printing  
19 funds, you would be responsible for the amount, correct, out  
20 of campaign or some other source?

21 A. Yes.

22 Q. I'm sorry?

23 A. Yes.

24 Q. The State of Tennessee did not hire Ms. Smith to do  
25 this work, did it?



1 A. No.

2 Q. And because you told me a minute ago you did not hire  
3 Phoenix Solutions, you would not have been responsible for  
4 paying Phoenix Solutions any money, would you?

5 A. No.

6 Q. If Ms. Smith hired Phoenix or Ms. Smith had a  
7 subcontracting relationship or whatever working relationship  
8 with Phoenix Solutions, it would be her responsibility to  
9 ensure payment?

10 A. Yes.

11 Q. I think I might have touched on this. I'm not sure if  
12 I asked you, but you didn't ask Ms. Smith who was doing the  
13 design work, who was doing the printing, who was doing  
14 anything? You just trusted her to get it done?

15 A. Yes.

16 Q. Would you agree with me that the speaker of the house  
17 is a very powerful position?

18 A. Yes.

19 Q. Appoints people to committees?

20 A. Yes.

21 Q. And a lot, not all, legislators want to be on  
22 committees, correct?

23 A. Yes.

24 Q. It gives them a little more power when you're on a  
25 committee.

1 A. Yes.

2 Q. We may be about -- well, let me ask you about the --  
3 we saw some e-mails and heard a little bit of testimony from  
4 you about campaign, your campaign that Phoenix Solutions  
5 worked on. And looked like Robin Smith was working on it as  
6 well, from the e-mails.

7 Was that right? Was she interfacing with you as well?

8 A. Yes.

9 Q. Okay. How many -- how many state dollars or taxpayer  
10 dollars were used to hire Phoenix Solutions for your  
11 campaign?

12 A. Zero.

13 Q. It's all private money, correct?

14 A. Yes.

15 MS. SHERWOOD: No further questions. Oh, wait,  
16 I'm sorry.

17 BY MS. SHERWOOD:

18 Q. When I asked you a question earlier about Tim Rudd,  
19 whether you knew if Tim Rudd did constituent mailers, do you  
20 recall that?

21 A. Yes.

22 Q. You said yes?

23 A. Yes.

24 Q. Tim Rudd is a state legislator, is he not?

25 A. Yes.

1 Q. He's a member of the general assembly?

2 A. Yes.

3 MS. SHERWOOD: Okay. No further questions.

4 THE COURT: All right.

5 CROSS-EXAMINATION

6 BY MR. FARMER:

7 Q. Good afternoon, Ms. Helton.

8 A. Good afternoon.

9 Q. I'm Jonathan Farmer. I represent Mr. Casada.

10 Can you hear me okay?

11 A. I can.

12 Q. We've got all these microphones, and sometimes I can't  
13 tell who can hear me and who can't.

14 Just a couple of questions for you, ma'am.

15 Mr. Taddei asked you about Mr. Casada's -- I think his  
16 reputation and whether that would have affected your using  
17 Phoenix Solutions if you had known he had got some money  
18 from Phoenix Solutions.

19 Do you remember that?

20 A. Yes.

21 Q. Okay. You're aware Mr. Casada was reelected in 2022;  
22 is that correct?

23 A. Yes.

24 Q. That was after the -- this scandal we've talked about,  
25 correct?

1 A. Yes.

2 Q. And so is it your concern -- I guess let me ask it  
3 this way: Your understanding is that Mr. Casada had some  
4 sort of business relationship with Phoenix and got some  
5 money based on your mailer; is that right?

6 A. From what I've heard in the press.

7 Q. From what you've heard in the press. Okay.

8 And is your concern that you didn't know about that on  
9 the front end; is that right?

10 A. Yes.

11 Q. Okay. So it was undisclosed to you he was getting  
12 money?

13 A. Yes.

14 Q. But to be crystal clear, Ms. Helton, Mr. Casada never  
15 said a word to you about any of those mailers; is that  
16 correct?

17 A. No.

18 MR. FARMER: Okay. Thank you.

19 THE COURT: Okay.

20 MR. TADDEI: May I approach, Your Honor?

21 THE COURT: Yeah, you may. Sorry.

22 MR. TADDEI: Thank you.

23 REDIRECT EXAMINATION

24 BY MR. TADDEI:

25 Q. Ms. Helton, you were asked during cross-examination by

1 Ms. Sherwood if at the time Robin Smith was doing the  
2 state-funded mailer work for you in 2020, if she lied to you  
3 about who was doing it.

4 A. Yes.

5 Q. I believe your answer was no.

6 A. No.

7 Q. Based on what you know now, do you think she was  
8 honest with you?

9 **MS. SHERWOOD:** Objection; leading.

10 **MR. TADDEI:** I can rephrase.

11 **THE COURT:** I'm going to overrule that because I  
12 don't know of a less leading way to ask an appropriately  
13 narrow question. So objection is overruled.

14 **BY MR. TADDEI:**

15 Q. So I'll ask you again, Ms. Helton. Based on what you  
16 know now, do you think she was honest with you?

17 A. No.

18 Q. Why not?

19 A. Can I -- you want a yes -- you want me to elaborate  
20 more?

21 Q. Yes, please.

22 A. When River's Edge was doing things, it was always  
23 local stuff. When she mentioned Phoenix, she got into more  
24 detail about this person's not local, they're in New Mexico,  
25 I met this person at Turning Point USA.

1           She had never done that before. So I think that's the  
2 difference.

3       Q.     In November 2019 when she first approached you about  
4 doing this work, did she mention Phoenix Solutions?

5       A.     Yes.

6       Q.     In November 2019? Do I have that wrong?

7       A.     I thought it was 2020. I'm sorry.

8       Q.     Did she mention Cade Cothren at that time?

9       A.     No.

10      Q.     Did she mention Glen Casada?

11      A.     No.

12      Q.     And later in 2020, would Phoenix Solutions have done  
13 work for your campaign without Robin Smith?

14           **MS. SHERWOOD:** Same objection, Your Honor.

15           **THE COURT:** All right. What's the response?

16           **MR. TADDEI:** It's not leading, Your Honor.

17           **MS. SHERWOOD:** Oh, I'm sorry. Objection as to  
18 campaign.

19           **THE COURT:** Yeah, so the -- all right. If  
20 counsel want to approach on this one.

21           (WHEREUPON, a bench conference was had out of the  
22 hearing of the jury, as follows:)

23           **THE COURT:** All right. So I think the objection  
24 here, which I understand is materiality as to any  
25 misrepresentations about campaign work, I think probably is

1 fair not to say -- it's fair to say is not at issue. I  
2 think concealment is the issue and I think the appropriate  
3 cabinet to that.

4 What's your response?

5 **MR. TADDEI:** I would add motive to that as well,  
6 Your Honor, in terms of the additional funding that they  
7 were receiving at the time. But yes, concealment is an  
8 aspect of this.

9 **THE COURT:** Concealment is -- and I do understand  
10 motive. I think, though, that even if you're not allowed to  
11 ask about that, you can argue motive the same way without  
12 having to get into that additional piece about whether the  
13 concealment was effective.

14 So I'm going to sustain the objection. I think  
15 it will help avoid the confusion that we're well on our way  
16 to avoiding.

17 All right? Thank you.

18 **IN UNISON:** Thank you, Your Honor.

19 (WHEREUPON, the bench conference concluded, and  
20 the following took place within the presence and hearing of  
21 the jury:)

22 **THE COURT:** All right. So, folks, there was a  
23 question that was on the floor. I've sustained the  
24 objection. Mr. Taddei is free to ask another.

25 ///

1 **BY MR. TADDEI:**

2 Q. And one more question for you, Ms. Helton. Mr. Farmer  
3 asked you during his cross-examination about your concern  
4 with respect to Glen Casada potentially getting money from  
5 this; is that right?

6 A. Yes.

7 Q. Okay. Was that your only concern with respect to  
8 Mr. Casada's potential involvement?

9 A. No. Just with the scandal and him being removed as  
10 speaker. That was, you know, another concern.

11 Q. Would you have wanted your state office to be  
12 associated with that?

13 A. No.

14 **MR. FARMER:** Objection; leading, Your Honor.

15 **THE COURT:** That one's a close call. I think, on  
16 balance, it's not overly suggestive under the circumstances.  
17 So I think the answer to that was no?

18 **THE WITNESS:** No.

19 **THE COURT:** Okay.

20 **MR. TADDEI:** Thank you. No further questions.

21 **THE COURT:** Thank you.

22 Any recross within the scope of redirect?

23 **MS. SHERWOOD:** Yes, Your Honor, very briefly.

24 **THE COURT:** Okay.

25 ///



**RECROSS-EXAMINATION**

**BY MS. SHERWOOD:**

Q. Ms. Helton, you were asked about whether you thought she had been dishonest with you -- whether Ms. Smith had been dishonest and you. And you said the only thing that -- what made you think that she was dishonest is because when she'd done things with River's Edge previously, she had used local people?

A. Yes.

Q. Mr. Cothren is local, correct?

A. No, I'm talking about Hamilton County.

Q. Okay. Did you know -- did you have these conversations with -- let me ask you about this:

Then you said Phoenix Solutions -- with Phoenix Solutions, it was different because she said they were from New Mexico. Right?

A. She --

Q. Well, I'm just saying is that what you said a minute ago?

A. Yes.

Q. Okay. That is not related to postage and printing constituent mail, is it? Because she never mentioned Phoenix Solutions with postage and printing, did she?

A. No.

Q. So that comment was made for campaign?

1 A. Yes.

2 Q. Is that right?

3 Okay. And I have one thing --

4 **MS. SHERWOOD:** Your Honor, it's not exactly  
5 within the scope of redirect, but the government has no  
6 objection.

7 I want to enter one final exhibit that I should  
8 have entered, and that is -- if we go to Defendants'  
9 Exhibit 42.

10 **THE COURT:** Okay.

11 **MS. SHERWOOD:** Okay. Can we pull that up.

12 **BY MS. SHERWOOD:**

13 Q. This is a photograph. You've probably seen it a  
14 couple times, but this is -- on its own, does this look like  
15 the final product mailer that you got?

16 Here's the front. I think we've seen this attached to  
17 an e-mail before. Here's the front. And let's look at the  
18 back.

19 **MS. SHERWOOD:** Okay. All right. I'd like to  
20 publish that.

21 **BY MS. SHERWOOD:**

22 Q. Okay. And this is what -- it looked like this is the  
23 original -- paper copy of that. That's what that looked  
24 like?

25 A. Uh-huh. Yes.

1 Q. Okay.

2 MS. SHERWOOD: All right. I would like to --

3 THE COURT: And we're talking about 42 being  
4 admitted without objection; is that right?

5 MR. TADDEI: No objection, Your Honor.

6 THE COURT: All right. 42 is admitted.

7 (Defense Exhibit 42 was marked and admitted into  
8 evidence.)

9 MS. SHERWOOD: And I would like to admit the  
10 original.

11 BY MS. SHERWOOD:

12 Q. Okay. So I just -- I want to be clear. When we're  
13 talking about the postage and printing constituent mail,  
14 Robin Smith did not tell you a lie; is that right?

15 She said going to get your mailer done, and that's  
16 what happened. Is that right?

17 A. Yes.

18 Q. Did she tell you a lie?

19 A. I can't say with 100 percent certainty.

20 Q. Of which you are aware, do you know of a lie that she  
21 told you?

22 A. Not that I'm aware of.

23 Q. Do you know which printer Robin Smith used for your  
24 mailer?

25 A. For the legislative update?

1 Q. Yes.

2 A. I'm thinking someplace maybe in Soddy-Daisy,  
3 Tennessee.

4 Q. But you don't know?

5 A. Not with 100 percent certainty, no. That was five  
6 years ago.

7 Q. Okay.

8 MS. SHERWOOD: No further questions.

9 THE COURT: All right.

10 **RECROSS-EXAMINATION**

11 **BY MR. FARMER:**

12 Q. Ms. Helton, just to clarify your final comments on  
13 Mr. Casada, just to be crystal clear about this, you didn't  
14 learn about his role until the media report; is that  
15 correct?

16 A. Correct.

17 Q. Okay. Thank you, Ms. Helton.

18 THE COURT: Okay. One moment.

19 Any re-redirect within the scope of recross?

20 MR. TADDEI: No, Your Honor.

21 THE COURT: All right.

22 All right. Thank you. You may step down.

23 THE WITNESS: Thank you.

24 (The witness stepped down.)

25 THE COURT: One moment.

1           If the government wishes to call its next  
2 witness.

3           **MR. TADDEI:** Yes, Your Honor. The government  
4 calls Jay Reedy to the stand.

5           **THE COURT:** All right.

6           (The witness was sworn.)

7                           \*    \*    \*

8                           **JAY REEDY,**  
9 **was called as a witness, and after having been first duly**  
10 **sworn, testified as follows:**

11                           **DIRECT EXAMINATION**

12 **BY MR. TADDEI:**

13 Q.       Good afternoon, sir.

14 A.       Good afternoon.

15 Q.       Can you please introduce yourself to the jury.

16 A.       My name is Jay Reedy.

17 Q.       And what is your job?

18 A.       Well, first of all, I'm a state representative but  
19 also a farmer as well as a locksmith. I've got a small  
20 locksmith business in Houston County.

21 Q.       Let's focus on the first one you mentioned. How long  
22 have you worked as a state representative?

23 A.       I was first elected to office in 2014.

24 Q.       Have you served continuously since then?

25 A.       Yes, sir.

1 Q. And you mentioned another job in addition to being a  
2 state representative, or maybe two. What were those?

3 A. Cattle farmer and also a locksmith that -- I started a  
4 small locksmith company about 21 years ago.

5 Q. Do you know a person named Glen Casada?

6 A. I do.

7 Q. How do you know Mr. Casada?

8 A. I first met him after I won my seat to be a state  
9 representative.

10 Q. So both you and Mr. Casada serve in the state  
11 legislature together?

12 A. Yes, sir.

13 Q. What positions did Mr. Casada have in the state  
14 legislature while you were serving together?

15 A. At that time he was caucus chairman.

16 Q. Okay. Hold any additional positions beyond that?

17 A. He did.

18 Q. Did he serve as speaker of the house?

19 A. Later, he was elected as speaker of the house.

20 Q. Do you know a person named Cade Cothren?

21 A. I do.

22 Q. How do you know Mr. Cothren?

23 A. I knew him because of Glen Casada.

24 Q. Did Mr. Cothren work for Mr. Casada?

25 A. He did, yes, sir.

1 Q. And what was his position, if you know?

2 A. I'm guessing just chief of staff at -- as -- I'm  
3 guessing that would be the position he was, as Glen Casada  
4 was caucus chairman.

5 Q. I'm going to ask you a couple questions that I would  
6 ask that you only answer these yes or no, if you can.

7 Around May of 2019, was there a scandal relating to  
8 Cade Cothren and Glen Casada?

9 A. Yes.

10 Q. Was the scandal widely reported in Tennessee media?

11 A. Yes, sir.

12 Q. Did Cothren resign from his position as chief of staff  
13 soon after news of the scandal broke?

14 A. Yes.

15 Q. Due in whole or in part to the scandal, did the house  
16 Republican caucus hold a vote of no confidence in Casada as  
17 speaker of the house?

18 A. Yes, they did.

19 Q. Did the majority of the house Republican caucus vote  
20 that they had no confidence?

21 A. Yes.

22 Q. Did Mr. Casada step down from the speakership shortly  
23 after that and remain an ordinary house representative?

24 A. Yes, he did.

25 Q. Switching gears, do you know a person named Robin

1 Smith?

2 A. Yes, sir.

3 Q. How do you know Ms. Smith?

4 A. I first met her in one of my reelection campaigns. I  
5 met her, and she had helped me with my campaign for  
6 reelection.

7 Q. Did she also serve with you in the legislature?

8 A. She did later, yes, sir.

9 Q. What was her position?

10 A. As far as just being a state representative as well?  
11 Yes, sir.

12 Q. In the house?

13 A. Yes.

14 Q. Are you familiar with the Tennessee legislature's  
15 postage and printing account program?

16 A. Yes, I am.

17 Q. Okay. And what is it?

18 A. Each year, you get X amount of dollars. And in that  
19 postage account is being able to reach out to your  
20 constituent base in forms of letters or if you're needing to  
21 mail out -- if somebody records or asks for a Tennessee Blue  
22 Book, we can use that to mail those out as well.

23 Q. And by "you" and "we," who is the universe of people  
24 that have access to that --

25 A. It's all house and senate members have a postage



1 account.

2 Q. Elected officials?

3 A. Yes, sir.

4 Q. Where does the money come to pay for those things that  
5 you mentioned?

6 A. That would be taxpayer dollars.

7 Q. The state treasury?

8 A. Yes.

9 Q. Does the house speaker's office have the authority to  
10 approve the expenditure of that money for a constituent  
11 mailer?

12 A. Yes, sir.

13 Q. Does the house speaker have the authority to approve  
14 or deny a vendor?

15 A. I would assume so. And, with that, it's -- to tell a  
16 quick story is it's always -- when the year starts, you  
17 think that there -- or I thought that there was always  
18 approved vendors. So if you were mailing out something for  
19 constituents to read or do a survey, that it was already  
20 determined who they were.

21 Q. Okay. Who is Connie Ridley?

22 A. Connie Ridley was in charge of human resources.

23 Q. Okay. What sort of, I guess, role, if any, did she  
24 play in administering this program?

25 A. Wherever we requested a -- let's say, a survey going

1 out, that it needed to be approved by the speaker of the  
2 house, but then she would also approve the funding. In  
3 other words, you got X amount of dollars in that account,  
4 and this is what you can just spend it on. And she'd let  
5 you know if you didn't have enough.

6 Q. How long did you work with Ms. Ridley?

7 A. I guess until she retired. So it was since 2014.

8 Q. In late 2019 did you use funds from your state  
9 office's postage and printing account?

10 A. Yes, I did.

11 Q. What did you use those funds to do?

12 A. I had requested to do a mailer. And I -- to tell how  
13 I used it, I did not want it to go out by USPS, that I had  
14 actually had weekly newspapers in my district. And I just  
15 asked for the flyers to be made up that would be delivered  
16 to those papers, and it would go out to their complete  
17 subscriber list.

18 Q. Who helped you with that process, if anybody?

19 A. It was Nick Crawford, a young man that I guess was  
20 working for the office. He -- by telephone and visiting my  
21 office, we worked through the design and the layout of that  
22 piece of literature.

23 Q. Okay. You had mentioned that you served in the state  
24 house with Glen Casada.

25 A. Yes, sir.

1 Q. Did you ever discuss the postage and printing account  
2 program with Mr. Casada?

3 A. I did not.

4 Q. Okay.

5 MR. TADDEI: Court's indulgence. Just one  
6 moment.

7 THE COURT: All right.

8 BY MR. TADDEI:

9 Q. So I asked you, Mr. Reedy, if you had ever discussed  
10 the mailer program with Mr. Casada, and you couldn't recall?

11 A. Right.

12 Q. If I showed you a document, might it refresh your  
13 recollection?

14 A. I've seen so many documents. Tell me the one --

15 Q. Well, the question is, if I show you a document, do  
16 you think it might refresh your recollection?

17 A. Oh, yes.

18 MR. TADDEI: Your Honor, I have a document I'd  
19 like to show Mr. Reedy for the purposes of refreshment.

20 THE COURT: All right.

21 BY MR. TADDEI:

22 Q. Now, Mr. Reedy, if you could just quietly read the  
23 fourth paragraph down.

24 A. (Witness complies.)

25 MR. FARMER: Can I see what you're refreshing him

1 with?

2 **MR. TADDEI:** Certainly.

3 **THE WITNESS:** Yes, sir.

4 **BY MR. TADDEI:**

5 Q. Can you hand that back to me, please.

6 Does this document refresh your recollection?

7 A. Yes, sir, it does.

8 Q. I'll restate the question, sir, please.

9 The question was, did you discuss the mailer program  
10 with Mr. Casada at any point?

11 A. Yes, sir.

12 Q. Okay. What did you discuss with Mr. Casada?

13 A. To my recollection, the discussion is that we could  
14 actually use that postage account for a mailer.

15 Q. Okay. So in 2019, at the top, I think you mentioned  
16 that Nick Crawford was helping you with this survey.

17 Did you know who was actually creating the survey  
18 itself and mailing it?

19 A. I did not.

20 Q. Okay. Now fast-forward to 2011. Were you interviewed  
21 by the FBI?

22 A. I was.

23 Q. Did they ask you about a company called Phoenix  
24 Solutions?

25 A. They did.

1 Q. Prior to that meeting with the FBI, had you ever heard  
2 of Phoenix Solutions?

3 A. I had not.

4 Q. Okay. Who did you learn was behind Phoenix Solutions?

5 A. It was at that time where the agents had shown me a  
6 check --

7 **MS. SHERWOOD:** Objection; hearsay.

8 **THE COURT:** All right.

9 What's the response?

10 **MR. TADDEI:** It's not being offered for the  
11 truth, Your Honor, but for the effect on the listener.

12 **THE COURT:** All right. Do you want to approach?

13 (WHEREUPON, a bench conference was had out of the  
14 hearing of the jury, as follows:)

15 **THE COURT:** Okay. So the effect on the listener  
16 is relevant. You know, it's the effect on the listener  
17 being told the factual assertion that -- undisputed, it  
18 appears, that Mr. Cothren's behind Phoenix Solutions.

19 The effect on the listener is relevant why?

20 **MR. TADDEI:** The effect on the listener is  
21 relevant because the follow-up question is going to be what  
22 was your reaction to the information you were told?

23 It's not the fact that the FBI is telling him  
24 that it literally is Cade Cothren; it's the effect on the  
25 listener and that the information he was given elicited

1 surprise, regardless of whether or not it was true.

2 **MS. SHERWOOD:** I think that could have been  
3 accomplished by just saying what was -- when did you learn  
4 and what was your -- what did you feel when you learned it?  
5 Having to bring the FBI into it, that's not --

6 **THE COURT:** Well, yeah, I suppose that that's  
7 probably true. I do think -- you know, I think, in that  
8 sense, I'll probably overrule the objection. I think you  
9 can get into what his attitude was about learning that  
10 Phoenix -- well, let me ask this:

11 His attitude about learning that Phoenix  
12 Solutions had Cade Cothren behind it, is it going to be made  
13 relevant later based on him having retained -- you know, are  
14 we going to learn that --

15 **MR. TADDEI:** Yes. Had you known that Phoenix  
16 Solutions was involved in the mailers, what, if any,  
17 reaction.

18 **THE COURT:** Gotcha. I think so far, we don't  
19 have evidence of Phoenix Solutions being -- because we're  
20 hearing about Nick Crawford, right, behind the mailer.

21 **MR. TADDEI:** I'm sorry. He said that Nick  
22 Crawford assisted him in the process of working on the  
23 mailer and then invoicing Phoenix Solutions.

24 **THE COURT:** Okay. Did you hear reference so far  
25 to Phoenix Solutions being involved in this mailer at all?

1           **MS. SHERWOOD:** No.

2           **MR. FARMER:** Not yet.

3           **THE COURT:** I really didn't. And so that's kind  
4 of another issue why. But I do think if we can get a tie-in  
5 to why his view or reaction to Mr. Cothren being behind  
6 Phoenix Solutions is relevant, then I think you can get into  
7 that. But I think I need to sustain the objection because  
8 we don't know why --

9           **MR. TADDEI:** I can lay a foundation for that.  
10 Thank you.

11          **THE COURT:** All right.

12          (WHEREUPON, the bench conference concluded, and  
13 the following took place within the presence and hearing of  
14 the jury:)

15          **THE COURT:** Okay. So, folks, I'll sustain the  
16 objection to that question at this time, and Mr. Taddei can  
17 ask another one.

18          **MR. TADDEI:** If you can pull up Government  
19 Exhibit 268, please, for the witness and the Court.

20          **BY MR. TADDEI:**

21 Q. Mr. Reedy, if you could take a look at the screen, is  
22 this the invoice for the mailer work that was done for your  
23 state office?

24 A. Yes, it was, and it appears to be. But, of course,  
25 previous discussions, I was not aware of the Phoenix

1 Solutions name. I had not received this invoice, and it was  
2 the very first time when you showed it to me that I had seen  
3 it.

4 **MR. TADDEI:** Your Honor, this is -- we'd move for  
5 the admission of this pursuant to the parties' stipulation.

6 **MS. LONGNECKER:** Objection -- no, I'm sorry. It  
7 was stipulated to.

8 **THE COURT:** Yeah.

9 On 268, any objection to that admission?

10 Okay.

11 **MR. TADDEI:** Can we publish it for the jury,  
12 please.

13 **THE COURT:** 268 is admitted and may be published.

14 (Government Exhibit 268 was marked and admitted  
15 into evidence.)

16 **BY MR. TADDEI:**

17 Q. So, Mr. Reedy, as I understand your answer, at the  
18 time that this was invoiced, you weren't aware that Phoenix  
19 Solutions had done the work?

20 A. That is correct.

21 Q. Did you become aware later on that Phoenix Solutions  
22 had done this work?

23 A. Not until I had met with the agents. They brought it  
24 to my attention.

25 Q. Okay. They brought to your attention the fact that



1 Phoenix Solutions was the one responsible for the mailer  
2 program?

3 A. Yes, sir.

4 Q. Okay. And so I'll go back to that question that I  
5 asked you earlier.

6 When you learned who was behind Phoenix Solutions,  
7 what was your reaction?

8 A. I couldn't believe it.

9 Q. Why not?

10 A. It's -- because, in my mind, it was a very corrupt way  
11 of doing business. And with that, it's -- even me and my  
12 locksmith business, because I'm a state rep, I don't do  
13 government work, state, local, or otherwise.

14 And so when I become aware of what was going on here,  
15 it was quite appalling.

16 Q. Did you care about the reputation of people involved  
17 in your communications with your constituents?

18 A. Every day, the walk of my life, it matters who I  
19 become friends with or who I befriend.

20 Q. Why is that?

21 A. Individuals with abrasive personalities or somebody  
22 that I would not want around my wife or daughters, they're  
23 sacred to me, and I would protect them.

24 Q. So after the 2019 scandal you testified about earlier,  
25 what was Cade Cothren's reputation in the Tennessee

1 legislature community?

2 A. To me, he just has a very abrasive reputation.

3 Q. What was Glen Casada's reputation in that community?

4 A. I was honored to work with Glen Casada because he was  
5 very helpful to me in navigating how to be a lawmaker but  
6 then also in my time of reelection needs.

7 Q. Did that change in 2019 when this scandal occurred  
8 that you talked about earlier?

9 A. Yes, sir. I started to have my doubts.

10 Q. If you had believed that Mr. Cothren would have been  
11 involved in your constituent communications, what, if any,  
12 impact would that have had on your decision to do this  
13 mailer survey project?

14 A. I would have asked for a different vendor or would not  
15 have done it.

16 **MR. TADDEI:** No further questions, Your Honor.

17 **THE COURT:** All right. Before we have cross, I  
18 wanted to follow up on something.

19 The invoice that we looked at, it was dated  
20 sometime in 2019, correct?

21 **THE WITNESS:** Yes, sir.

22 **THE COURT:** And it said on there Phoenix  
23 Solutions, correct?

24 **THE WITNESS:** Yes, sir.

25 **THE COURT:** But you first heard the name Phoenix

1 Solutions from the FBI in 2021; is that right?

2 **THE WITNESS:** Yes, sir. That is correct.

3 **THE COURT:** So does that mean that the invoice  
4 that was submitted for payment was done by persons in your  
5 office other than you?

6 **THE WITNESS:** No. We just -- Your Honor, I just  
7 approved or was told the amount that it was going to cost  
8 and add to that. Because of the universe or the number of  
9 pieces I wanted mailed out or put in the newspaper, that I  
10 did not have sufficient funds. So I had to pay the rest,  
11 but I had sent that to Connie Ridley.

12 But no, I had never in my office never received  
13 that invoice; it was just by word of mouth, the cost of it,  
14 from a Nick Crawford.

15 **THE COURT:** Okay. So just trying to figure this  
16 out. It seems like the payment -- the invoice was  
17 submitted -- it was an invoice that was directed to you or  
18 your office; is that right?

19 **THE WITNESS:** Yes, Your Honor. It should have  
20 been.

21 **THE COURT:** Okay. Then it seems that maybe  
22 someone in your office would have seen it? Anyone at all?  
23 Or I'm just wondering sort of like the path of this invoice  
24 if you know what that path was?

25 **THE WITNESS:** Yes, Your Honor. I'm just as

1 confused as you are. And I only have a legislative  
2 assistant, just one person, and she's been with me for seven  
3 years -- eight years now. And I believe if she would have  
4 seen it, she would have put it in my in-box for me to  
5 observe as well.

6 **THE COURT:** Okay. But what you're saying is you  
7 did not see it at that time; is that right?

8 **THE WITNESS:** That is correct, sir.

9 **THE COURT:** All right. Very well. All right.  
10 Do you have any follow-up on that?

11 **MR. TADDEI:** No, Your Honor. Thank you.

12 **THE COURT:** All right. Mr. Farmer?

13 **CROSS-EXAMINATION**

14 **BY MR. FARMER:**

15 Q. Let me see if I can get my mic put back together.

16 Okay. Can you hear me?

17 A. Yes, sir.

18 Q. Great. Good afternoon, Mr. Reedy. I'm Jonathan  
19 Farmer. I'm one of Glen Casada's attorneys.

20 A. Yes, sir.

21 Q. I want to talk first with you a little bit about  
22 Mr. Casada. Okay? And so I think you said that you had a  
23 lot of respect for him?

24 A. Yes, sir.

25 Q. Can I get my notes here?

1           And that he helped you get elected? Did I hear that  
2 right?

3       A.     It was my reelection campaign.

4       Q.     He helped you with your reelection campaign. So you  
5 kind of considered him, I guess, instrumental in that  
6 process. Is that fair to say?

7       A.     That is correct.

8       Q.     Okay. And what year was that?

9       A.     That would have been 2016. Or let's see. '14, '15,  
10 '16. So it would be 2016 going into 2017 --

11      Q.     Okay.

12      A.     -- election cycle.

13      Q.     Great, great, great. Okay. And is it fair to say he  
14 helped a lot of people get elected?

15      A.     Yes, sir, he did.

16      Q.     He was good at that; is that right?

17      A.     Yes, very good.

18      Q.     Good at campaigns? Very good?

19      A.     Yes, sir.

20      Q.     Good at raising money?

21      A.     That is correct.

22      Q.     And, in fact, a lot of people wanted Glen to help them  
23 get elected; is that fair?

24      A.     That would be fair to say.

25      Q.     And I just want to be sure I understand. Do you

1 recall hiring Glen to do work after the scandal?

2 A. After the scandal?

3 Q. Yes, sir.

4 A. No, sir.

5 Q. So I think Mr. Taddei went through May of 2019, was  
6 when the scandal was.

7 Do you remember that?

8 A. Yes, sir.

9 Q. Do you recall your campaign writing Glen Casada a  
10 check in October of 2019? If I showed it to you, would that  
11 help?

12 A. Yes, please.

13 **MR. FARMER:** Okay. Can we pull up Casada IMP42  
14 for the witness and the Court?

15 **THE COURT:** All right. So the way the process  
16 works here, don't say anything or comment; just take a look  
17 at it. When you're done reviewing it, let us know, and  
18 Mr. Farmer will follow up with a question.

19 **BY MR. FARMER:**

20 Q. I guess go to the second page, please. Okay. And  
21 let's go back to the top page.

22 Does that appear to be a check from your campaign  
23 account?

24 A. Yes, sir, it is.

25 **MR. FARMER:** Okay. So can I go ahead and mark

1 that, Your Honor, as -- what will be the exhibit number?

2 **THE COURT:** All right. So one of the things --  
3 well, I had thought maybe the original purpose was to  
4 refresh his memory, but you tell me.

5 **MR. FARMER:** Well, he did say he couldn't  
6 remember, so now that he does remember and identified, I do  
7 want to admit it.

8 **THE COURT:** Gotcha. All right. So what is the  
9 government's position? Any objection to this admission as  
10 Defense Exhibit No. -- we'll have to figure it out.

11 **MS. LONGNECKER:** 111.

12 **MR. TADDEI:** I think under Rule 49.1, Your Honor,  
13 we would object to the nonredaction of the routing and  
14 checking account number on this exhibit.

15 **THE COURT:** Okay. Probably fair enough.

16 **MR. FARMER:** If I can conditionally admit it,  
17 Your Honor, and then we can redact it later.

18 **THE COURT:** All right. So we'll conditionally  
19 admit it. And it's going to be Defense Exhibit 111, which  
20 will be admitted, not published until redacted, though. And  
21 since it's not going to be published at this time, you're  
22 welcome to, you know, ask the witness to describe it at this  
23 time and so forth if you want.

24 (Defense Exhibit 111 was marked and admitted into  
25 evidence.)

1                   **MR. FARMER:** Yes, sir.

2                   **BY MR. FARMER:**

3           Q.       So you've looked at that check. Do you recall that  
4 now?

5                   And, Mr. Reedy, let me be clear. I'm not trying to  
6 trick you. Okay? This was a long time ago. And if you  
7 would ask me what I did in 2019, I would tell you I don't  
8 know. Okay. And so that's why I show you the check.

9                   Okay. But does this refresh your recollection that  
10 you had Mr. Casada do some work for your campaign?

11          A.       It did.

12          Q.       So you did do work with him after the scandal?

13          A.       I'm not recalling it being after the scandal.

14          Q.       Well, and again, this was a long time ago, right?

15                   Mr. Taddei, if you'll recall, he asked you if in May of  
16 2019, that there was a media report. And you said yes, you  
17 remembered that. Is that right?

18          A.       That's correct.

19          Q.       So you'll at least agree with me that October of 2019  
20 is after May of 2019?

21          A.       Yes, sir.

22          Q.       We can agree with that. You may not remember exactly.  
23 Is that fair?

24          A.       That would be correct.

25          Q.       So I think what we're up here to talk to -- what I



1 perceive the reason you're here, primarily, is to talk about  
2 the mailer piece that went out on your behalf.

3 Would you recognize that if I showed it to you?

4 A. Absolutely.

5 **MR. FARMER:** Okay. So let's pull up that,  
6 please, Ms. Staats. It is Defense Exhibit 52.

7 **BY MR. FARMER:**

8 Q. Do you see that --

9 A. Yes, sir.

10 Q. -- on your screen? Do you want to see both pages to  
11 be sure we're fully covered?

12 A. The interesting conversation about this piece and  
13 getting help with it from Nick Crawford, it was two  
14 questions were the same, and we had to go back and forth  
15 until we got the piece of literature satisfactory --

16 Q. Okay. And I want to talk about all of that,  
17 Mr. Reedy.

18 **MR. FARMER:** So, first, let's go ahead and admit  
19 this as Defense Exhibit 52.

20 **THE COURT:** Any objection?

21 **MR. TADDEI:** No, Your Honor.

22 **THE COURT:** All right. Thank you. 52 is  
23 admitted.

24 (Defense Exhibit 52 was marked and admitted into  
25 evidence.)

1 BY MR. FARMER:

2 Q. So let's look at this. And I want to talk to you --  
3 Scroll back up, please.

4 So I think you just said it, Mr. Reedy, that you and  
5 Nick Crawford went back and forth on this survey piece quite  
6 a bit. Is that right?

7 A. Yes, sir.

8 Q. Okay. And so regarding this survey, this is what you  
9 were focused on, right? Kind of what it looked like, what  
10 the information was, what it was going to cost, those sorts  
11 of things. Is that fair?

12 A. Correct.

13 Q. Well, let's look at it. It looks like your picture  
14 upper right-hand side, you in the white shirt.

15 Did you pick that picture out?

16 A. I had it taken, but as far as me picking it out  
17 myself, no.

18 Q. Well, I understand you had it taken, but did you pick  
19 it out for this survey, or Dr. Mr. Crawford help you with  
20 that?

21 A. Mr. Crawford did. That's where the design came from.

22 Q. He did a good job. Are those your cows in the back?

23 A. They are not.

24 Q. Oh, okay. Where was that picture taken?

25 A. That was -- I think it was Williamson County. It was

1 on somebody else's farm that we just had a photo shoot in  
2 the area because of the rolling hills and the scenic beauty.

3 Q. What district do you represent, Mr. Reedy?

4 A. House District 74.

5 Q. What county is that?

6 A. I've got five, but my home county is Houston County.

7 Q. Is that west of here?

8 A. It's right there on Kentucky Lake.

9 Q. Okay. So somewhat rural area; is that right?

10 A. It is, uh-huh.

11 Q. So, I mean, I guess it's possible that your  
12 constituents would appreciate the rural nature of your  
13 photograph. Is that fair?

14 A. That's fair.

15 Q. Okay. And then we also have another picture of you  
16 kind of mid left. It looks like that is your official  
17 legislative picture; is that right?

18 A. Yes.

19 Q. Were you pleased with the overall look of this survey?

20 A. I was.

21 Q. It looks to you to be professionally done?

22 A. Yes, sir.

23 Q. Okay. Let's go to the next page, please.

24 And so, you know, we've all been in here now, but I  
25 guess you haven't. You understand, I guess, the distinction

1 between a legislative survey versus a campaign piece; is  
2 that correct?

3 A. Correct.

4 Q. And the legislative surveys, you're allowed to use  
5 state dollars, right?

6 A. Right.

7 Q. But campaigning pieces, you're not allowed to use  
8 state dollars; is that right?

9 A. That's correct.

10 Q. So what we're talking about here is a legislative  
11 survey?

12 A. Correct.

13 Q. So this was funded by the postage account, postage and  
14 printing account?

15 A. Yes.

16 Q. And then sent to your constituents; is that right?

17 A. Correct.

18 Q. So even though it's not a campaign piece, Mr. Reedy,  
19 it's still got your name on it, right?

20 A. Correct.

21 Q. So you want it to look good?

22 A. Sure.

23 Q. And you want it to touch issues that your constituents  
24 care about; is that right?

25 A. Yes.

1 Q. So let's -- I'm not going to ask you to read all these  
2 questions, but let's just kind of look at them.

3 The first one looks like it talks about tax, right?

4 A. Yes.

5 Q. And that's something your constituents cared about?

6 A. Yes.

7 Q. Then we go into, it looks like, healthcare, criminal  
8 justice, abortion, education, Second Amendment, marijuana  
9 legalization, transportation, job wages.

10 Does it look to you like those are basically the  
11 topics that are covered here?

12 A. Yes, sir.

13 Q. And so Mr. Crawford helped you come up with those  
14 topics; is that right?

15 A. Yes, sir.

16 Q. That was a process?

17 A. It was.

18 Q. Required some work?

19 A. Yes.

20 Q. From Mr. Crawford, right?

21 A. Yes.

22 Q. Okay. Are you pleased with the questions?

23 A. I am.

24 Q. Okay. Do you think they're well written?

25 A. Yes, sir.

1 Q. Okay. You think they touch on issues that your  
2 constituents are likely to care about?

3 A. Absolutely, yes.

4 Q. Okay. All right. Had you done prior surveys? I  
5 think you said you had? You had not.

6 A. No. No, I have not.

7 Q. Okay. All right. So you saw the survey. You spent a  
8 lot of time on the survey. But I think the invoice we just  
9 looked at -- can we pull that up again, please?

10 Sometimes technology makes things better, and  
11 sometimes it makes things worse.

12 And I think you -- you saw this invoice; is that  
13 right?

14 A. Yes, sir.

15 Q. Okay. But you didn't see that until, I guess, the FBI  
16 showed it to you; is that right?

17 A. Yes, sir, that's correct.

18 Q. Do you remember when that was?

19 A. That was --

20 Q. Does 2021 sound right?

21 A. Well, the first thing that I saw from the FBI was a  
22 check that had the Phoenix Solutions on there.

23 Q. Right. But -- and I understand.

24 A. But as far as this invoice, it was just not long ago.

25 Q. Well --

1           **THE COURT:** Let me stop there. Is this one in  
2 evidence?

3           **MR. FARMER:** No. It is a defense version of the  
4 one that the government put in evidence. I just couldn't  
5 lay my hands --

6           **THE COURT:** I figured. And do you recall what  
7 government exhibit and page number this was?

8           **MR. TADDEI:** So this is 268 is the version that  
9 we admitted, but I believe we introduced a slightly  
10 different version in the approval process. So this may be a  
11 new exhibit. But, regardless, Your Honor, we have no  
12 objection to its admission.

13           **THE COURT:** It may look a little bit different,  
14 and so you're -- yeah, you're free to inquire and make clear  
15 for the record exactly what this exhibit is. And then we'll  
16 treat it as admitted, and you're free to ask to clarify  
17 exactly what it is for the record.

18           **MR. FARMER:** Well, let's pull up the one the  
19 government showed you, 268.

20 **BY MR. FARMER:**

21 Q. So my question for you, though, Mr. Reedy -- and I  
22 understand you talked with the FBI about a lot of things.  
23 My question for you is do you remember when that was?

24 A. Yes, sir. This invoice, it was just a few weeks ago.

25 Q. So are you telling me you first saw this invoice a few

1 weeks ago?

2 A. Yes, sir.

3 Q. I see. Okay. All right. And that's because the FBI  
4 showed it to you?

5 A. That is correct, yes, sir.

6 Q. Okay. So you wouldn't have been in a position to look  
7 at this and analyze this and tell us anything about this at  
8 all until two weeks ago?

9 A. That's correct.

10 Q. Is that right?

11 Okay. So going back to the fundraiser, though -- or  
12 the survey, the update. Going back to the survey, I just  
13 want to be sure I understand. So Glen Casada didn't say a  
14 word to you about this survey; is that right?

15 A. No, sir. I spoke to no one other than Nick Crawford  
16 about the survey.

17 Q. Okay. Robin Smith, then, obviously, didn't say a word  
18 to you about this survey?

19 A. No, sir.

20 Q. Okay. All right. I know you'd never done surveys  
21 before, but you've done campaign pieces, right?

22 A. Yes, sir.

23 Q. Did you have individuals do your campaign pieces for  
24 you?

25 A. I did. Robin Smith had done some for me.



1 Q. Okay. Possibly Glen Casada too. We saw a check for  
2 him.

3 A. In refreshing my memory on that, it was a fundraiser  
4 out of Puckett's was --

5 Q. Ah, okay.

6 A. That was the check there.

7 Q. That's fair. So going to Robin Smith's campaign work,  
8 I mean, you don't think Robin Smith has a printing press in  
9 her basement, do you?

10 A. No, sir.

11 Q. You would expect there to be some outsourcing with  
12 this operation; is that right?

13 A. Yes, sir.

14 Q. Same with Nick Crawford in the mailer we saw. You  
15 don't think Nick Crawford was going downstairs to a printing  
16 press, do you?

17 A. No, sir.

18 Q. You don't think he's a graphic designer, do you?

19 A. I don't.

20 Q. You didn't think he necessarily supplied the paper for  
21 that survey, do you?

22 A. No, sir.

23 Q. Do you agree that all those people should be paid for  
24 the work they did?

25 A. Absolutely.

1 Q. Okay.

2 A. Yes, sir.

3 Q. All right. But in your process as the -- I guess the  
4 buyer, for lack of a better way to put it, of this product,  
5 you cared about the things we talked about?

6 A. Yes, sir.

7 Q. What it looked like, right?

8 A. Absolutely.

9 Q. How much it cost?

10 A. Yes.

11 Q. How it made you look to your constituents?

12 A. That is correct.

13 Q. Is that right?

14 A. Correct.

15 MR. FARMER: Okay. Mr. Reedy, I thank you for  
16 answering my questions.

17 THE WITNESS: Yes, sir. Thank you.

18 THE COURT: Okay.

19 CROSS-EXAMINATION

20 BY MS. LONGNECKER:

21 Q. Good afternoon, Mr. Reedy. My name is Joy Longnecker,  
22 and I represent Mr. Cothren. I too have a few questions for  
23 you here today.

24 I believe you stated on direct that you've been an  
25 elected state representative since 2014. Is that right?

1 A. Yes.

2 Q. And as a member of the Tennessee General Assembly,  
3 you're generally familiar with the legislature's functions.  
4 Fair to say?

5 A. Yes.

6 Q. And the general assembly, we have a -- we call it a  
7 bicameral system, right? We have a house made up of House  
8 of Representatives, and we have a senate made up of  
9 senators. Fair to say?

10 A. Yes.

11 Q. You are part of the House of Representatives, right?

12 A. That is correct.

13 Q. And would you agree, generally speaking, the general  
14 assembly's primary job is to make laws?

15 A. That is correct.

16 Q. Sometimes a general assembly amends laws, right?

17 A. That's correct.

18 Q. Sometimes a general assembly might overturn or repeal  
19 a law.

20 A. We do that often.

21 Q. Okay. And your job as a legislator, the people in  
22 your district, elect you to go to the House of  
23 Representatives to vote on things, right?

24 A. Yes.

25 Q. And part of the general assembly's responsibilities is

1 also to do things like review the proposed annual budget,  
2 right?

3 A. That's correct.

4 Q. The budget for the whole state of Tennessee, right?

5 A. Yes.

6 Q. Part of the general assembly's role is to approve the  
7 annual budget, right?

8 A. Yes.

9 Q. So the state agencies have all the money they need to  
10 do to run their agencies on behalf of the citizens of  
11 Tennessee, right?

12 A. That's correct.

13 Q. And the general assembly also elects certain  
14 constitutional officers, right?

15 A. That is correct.

16 Q. And the House of Representatives also elects its own  
17 officers, right?

18 A. That is correct.

19 Q. And the members of each political party, depending on  
20 which is the majority party, they get to elect their  
21 leaders, right?

22 A. That is correct.

23 Q. So if the general assembly's job is to vote on laws  
24 and the budget and to vote on the state's constitutional  
25 officers, would it be fair to call these your official

1 duties?

2 A. That would be correct.

3 Q. And the Tennessee legislature is a part-time  
4 legislature, right?

5 A. That's what they keep telling me.

6 Q. It may not feel like a part-time legislature sometimes  
7 at that, right?

8 A. That is correct.

9 Q. But technically speaking, the legislature only meets a  
10 certain number of days. You'd agree with that?

11 A. It is, yes.

12 Q. But you may have constituents calling you all year  
13 round. Fair to say?

14 A. That is correct.

15 Q. And you may have to attend to those issues even when  
16 the legislature is not in session; is that right?

17 A. Yes.

18 Q. Okay. I think you mentioned this on direct, but you  
19 mentioned that you -- in addition to being a state  
20 legislator, you have jobs of your own that you work outside  
21 of the legislature. Is that correct?

22 A. That is correct.

23 Q. I believe you said you own a cattle farm, right?

24 A. Yes.

25 Q. And a locksmith company, right?

1 A. Yes.

2 Q. And you're not alone in that, are you?

3 A. No.

4 Q. There's a lot of state representatives that have  
5 different jobs or outside work. Fair to say?

6 A. Yes, ma'am.

7 Q. Some state representatives are lawyers even, right?

8 A. Correct.

9 Q. Some might be insurance agents. Fair to say?

10 A. Yes.

11 Q. Okay. And some state representatives have businesses  
12 that do political consulting work, right?

13 A. That is correct.

14 Q. And Robin Smith was one of those representatives,  
15 right?

16 A. Yes.

17 Q. She had her own company and did political consulting  
18 work through that company, right?

19 A. That is correct.

20 Q. The same is true for Mr. Casada, correct?

21 A. That is correct.

22 Q. Mr. Casada had his own political consulting company,  
23 didn't he?

24 A. That's correct.

25 Q. And Representative Tim Rudd also has his own company,

1 right?

2 A. That's also correct.

3 Q. And Representative Rudd also does constituent mail  
4 work and mailer work, right?

5 A. I've not used him, but I'm assuming so.

6 Q. You're familiar that -- that's common knowledge, in  
7 other words?

8 A. Yes.

9 Q. Okay. What about Representative Antonio Parkinson?  
10 Are you familiar with his political consulting company?

11 A. I'm not aware of that.

12 Q. Okay. Now, you testified on direct about the survey  
13 that you just discussed with Mr. Farmer in about late 2019.

14 Do you remember that?

15 A. Correct. Yes, ma'am.

16 Q. Do you remember -- and I don't -- and I apologize if I  
17 missed it, but I don't think I heard you testify about how  
18 this whole process got started with you. The government  
19 asked you about the mailer. Mr. Farmer questioned you about  
20 the mailer. But I didn't hear you testify, and I apologize  
21 if I missed it. So I'm going to ask some questions again.

22 Do you remember how that process got started, how it  
23 was that the whole constituent mailer process got started in  
24 2019?

25 A. First, upon becoming elected, I found out about the

1 postage account. And then it was later information was sent  
2 out what you could and could not use the postage account  
3 for.

4 And then with -- Glen Casada had brought it up that  
5 yes, you could use it for the mailer surveys out to your  
6 constituents to try to get -- basically testing the waters  
7 to find out what is important in your district.

8 Q. Thank you for your response. I don't think that was  
9 the question I was asking, so I'm going to ask it again.

10 A. Oh, sorry.

11 Q. I understand generally how you became aware of the  
12 mailers or the ability to use these postage and printing  
13 funds for your mailer, but my question to you, Mr. Reedy, is  
14 how did the whole mailer process for you -- in 2019, how did  
15 that start?

16 Do you remember?

17 A. And that's where I was -- I told Glen Casada that I  
18 was interested in it. And then that's when Nick Crawford  
19 came to my office and we had the discussion about --

20 Q. So let me back up. You think that the process started  
21 with Glen Casada approaching you in 2019?

22 A. Yes. Well, it was him as caucus chairman before he'd  
23 become speaker of the house is when we had this discussion  
24 about being able to do surveys.

25 Q. But my question to you, Mr. Reedy, is how did this



1 particular survey get started? Did you reach out -- and let  
2 me just ask the question this way:

3 Do you recall saying at some earlier point that you  
4 initially contacted the Republican caucus in 2019 and asking  
5 for the caucus's help with the survey?

6 Does that sound familiar?

7 A. The ask that I have, it was made known to all house  
8 members what it was available for, what we could use the  
9 postage account for. Then I had reached out to the  
10 speaker's office -- it was Mr. Casada -- and saying that I  
11 was interested in doing one of these surveys.

12 Q. So is it your testimony that you didn't reach out to  
13 the Republican caucus initially and ask for this constituent  
14 mailer?

15 A. No. The Republican caucus made us aware that we had  
16 it. And -- but also what was stated, at any time you were  
17 doing something that was being mailed out on taxpayer money  
18 had to be approved by the speaker's office.

19 Q. Mr. Reedy, I'd like to show you a document and ask if  
20 this maybe refreshes your recollection about the topic that  
21 I'm asking you about.

22 Not for publication, just to refresh --

23 **THE COURT:** Is there a question as to which he  
24 said he couldn't recall something?

25 **MS. LONGNECKER:** I believe Mr. Reedy is saying

1 that he did not -- or that the caucus made him aware of the  
2 mailers, and I believe that he said something a little  
3 different on a previous occasion. And I would like to  
4 refresh his recollection about that.

5 **THE COURT:** All right. So you want to ask him  
6 about a prior statement, or do you want to refresh his  
7 recollection?

8 **MS. LONGNECKER:** I would like to refresh his  
9 recollection.

10 **THE COURT:** Okay. So that -- is the government  
11 okay with that? Because I don't know if there's anything  
12 pending right now where he says, "I don't recall."

13 **MR. TADDEI:** That's exactly the government's  
14 position, Your Honor. I don't think he ever said he doesn't  
15 remember. I think he's responded several times where the  
16 idea -- the genesis for this mailer came from. That's  
17 different from saying, "I don't remember."

18 **THE COURT:** Yeah, so --

19 **MS. LONGNECKER:** I'll ask a different --

20 **THE COURT:** Yeah, yeah. So you're certainly free  
21 to explore, but I didn't want the confusion of kind of  
22 refreshing on somewhere where I wasn't sure we had a pending  
23 need to refresh.

24 **BY MS. LONGNECKER:**

25 Q. Mr. Reedy, you've had several meetings with law

1 enforcement in the lead-up to this case, correct?

2 A. Yes, ma'am.

3 Q. And you've met with them on several occasions, have  
4 you not?

5 A. That is correct.

6 Q. And you've met with them on May 5th, 2021, correct?

7 A. That would be correct.

8 Q. You mentioned that on direct?

9 A. In that time, yes.

10 Q. This was the meeting that you had the revelation about  
11 Phoenix Solutions, right?

12 A. In my office. That is correct.

13 Q. And do you recall saying during that meeting that you  
14 reached out to the Republican caucus and requested some  
15 surveys to be made?

16 A. That would be correct.

17 Q. Okay. So I just want to be clear. Is that a true  
18 statement?

19 If that's what you told law enforcement in May of  
20 2021, that you reached out to the Republican caucus to  
21 request that some surveys be made, is that a true statement?

22 A. I would say yes.

23 Q. Because that was closer in time to when it all  
24 happened, right?

25 A. Sure. And, of course, it's -- even your caucus

1 leadership is part of the caucus, so I would have to go with  
2 that statement that yes, I reached out to the Republican  
3 caucus.

4 Q. And do you recall saying that the caucus chose Phoenix  
5 Solutions as the vendor?

6 **MR. TADDEI:** Your Honor, objection.

7 May we approach?

8 **THE WITNESS:** No, I did not -- never said that.

9 **THE COURT:** You may approach.

10 So, folks, please disregard the witness's answer  
11 until we sort this out.

12 (WHEREUPON, a bench conference was had out of the  
13 hearing of the jury, as follows:)

14 **MR. TADDEI:** She's clearly reading just straight  
15 off FBI 302 to the witness, and that is not improper  
16 impeachment.

17 **THE COURT:** So here's what I have the question:  
18 Do you recall saying that the caucus chose Phoenix Solutions  
19 as the vendor?

20 I think the way to do this is to ask him -- ask  
21 him if that's his recollection rather than having the need  
22 right now to get into what he said in the past. If he says  
23 something different, then maybe that changes the viability  
24 of asking about the prior statement.

25 So I'm going to sustain the objection, but you're

1 free to ask questions about, you know, what the caucus did  
2 or did not do. All right?

3 **MR. PHILLIPS:** Logistical question. Would it be  
4 fair to cut our witnesses for the day?

5 **THE COURT:** Yeah.

6 **MR. PHILLIPS:** Thank you, Your Honor.

7 **THE COURT:** All right. Thank you.

8 (WHEREUPON, the bench conference concluded, and  
9 the following took place within the presence and hearing of  
10 the jury:)

11 **THE COURT:** All right, folks. I'd ask you to  
12 disregard the last question. But Ms. Longnecker is free to  
13 ask another.

14 **BY MS. LONGNECKER:**

15 Q. Mr. Reedy, is it your belief, as you sit here today,  
16 that the caucus chose Phoenix Solutions as the vendor who  
17 would be helping you with your particular legislative  
18 survey?

19 A. I have no idea on how they check or approve a vendor  
20 or anything else. So names of vendors never came up.

21 Q. Do you remember making a previous statement to that  
22 effect, that the caucus chose Phoenix Solutions as the  
23 vendor?

24 A. I don't recall.

25 Q. Would you like to see something that might refresh

1 your recollection about that statement?

2 A. Sure.

3 Q. Okay. If you would just take a moment to look at  
4 that, Mr. Reedy.

5 **THE COURT:** And, you know, important to note the  
6 way you look at it, the way we do it, yep, just look at it.  
7 And when you're done reviewing it, reminding yourself what  
8 it says --

9 **MR. TADDEI:** Ms. Longnecker, a copy?

10 (Discussion off the record.)

11 **THE COURT:** As I was saying, Mr. Reedy, the way  
12 this works is that you don't comment on anything. Just  
13 review it, remind yourself what it says. When you're done,  
14 let us know, and Ms. Longnecker will ask you a question.

15 **BY MS. LONGNECKER:**

16 Q. Have you had a chance to look at this particular  
17 document?

18 A. Yes, ma'am.

19 Q. Have you seen it before today?

20 A. Not this document, no.

21 Q. Okay. You've seen a lot of other documents, though --

22 A. Yes.

23 Q. -- that people have shown you to prepare for this  
24 case. Fair to say?

25 A. Correct.

1 Q. Don't remember being shown this one, though, right?

2 A. No.

3 Q. Does this document refresh your recollection about  
4 what you might have said previously about your mailer and  
5 the caucus's role in that?

6 A. I don't recall stating that the caucus -- it was  
7 apparent to me after I was shown the check stub for this  
8 Phoenix --

9 **MR. TADDEI:** Your Honor, objection. He's not  
10 said whether or not it's refreshed his recollection.

11 **THE COURT:** Yeah, I do think it's a good  
12 objection.

13 So I think the question right now -- if you need  
14 more time to review it, you can. But the question here,  
15 does this refresh your recollection as to whether you told  
16 law enforcement that the caucus chose Phoenix Solutions?  
17 Does reviewing this refresh your recollection as to whether  
18 you previously said that?

19 **THE WITNESS:** No, Your Honor.

20 **THE COURT:** Okay. All right.

21 You may follow up or continue.

22 **BY MS. LONGNECKER:**

23 Q. So your testimony is you don't remember whether you  
24 said this or not. Fair to say?

25 A. If I could add to my statement, I would be happy to

1 explain what I'm seeing and what I'm saying.

2 Q. But if you'll just please answer my question.

3 Is your testimony that you don't remember whether you  
4 said that the caucus chose Phoenix Solutions as a vendor to  
5 help with your mailer? Yes or no?

6 A. No.

7 Q. Okay. And I believe you testified earlier that Glen  
8 made you aware that this postage and printing fund existed,  
9 right?

10 A. Correct.

11 Q. And that the money in that fund could be used for  
12 constituent mailers, right?

13 A. Correct.

14 Q. But you did not hire Glen to do this mailer, correct?

15 A. That is correct.

16 Q. And you didn't hire Robin to do this mailer, correct?

17 A. That's correct.

18 Q. So there was no pressure from Glen to do this mailer,  
19 correct?

20 A. That's correct.

21 Q. And there was no pressure from Robin to do this  
22 mailer, correct?

23 A. That is also correct.

24 Q. As I understood your testimony on direct, you didn't  
25 hire Phoenix Solutions directly; is that right?



1 A. Yes. That's correct.

2 Q. As I also understood your testimony, you never asked  
3 anyone in the speaker's office if you could hire a  
4 constituent mail vendor. Fair to say?

5 A. Yeah, that is also correct.

6 Q. You never went to the speaker of the house, Cameron  
7 Sexton, and said, "Can I hire a constituent mail vendor?"

8 A. That is a correct statement.

9 Q. You never asked Connie Ridley, "Can I hire a  
10 constituent mail vendor?"

11 A. Never.

12 Q. That was your decision, right?

13 A. I did not know it was a decision.

14 Q. But it was within your authority as a state  
15 representative to make a decision to send out a mailer.  
16 Fair to say?

17 A. To do that, yes.

18 Q. And I believe you also testified that you worked with  
19 Nick Crawford on your survey; is that right?

20 A. That is correct.

21 Q. As of December of 2019, Mr. Crawford was working for  
22 the Tennessee Republican caucus, was he not?

23 A. I would say that's correct, yes. I knew he worked  
24 somewhere there, but I'm not sure who he was working  
25 directly with or for.

1 Q. Do you have any reason to doubt that Nick Crawford in  
2 December of 2019 was working for the Tennessee Republican  
3 caucus?

4 A. No.

5 Q. And Mr. Crawford, you said, helped -- you worked with  
6 Mr. Crawford on those survey questions, right?

7 A. Yes.

8 Q. As you sit here, you have no idea whether Mr. Crawford  
9 was working with somebody else on the survey questions, do  
10 you?

11 A. That is also correct.

12 Q. And as I understood your testimony, you never asked  
13 Mr. Crawford if he was working with anybody else on your  
14 questions. Fair to say?

15 A. Yes.

16 Q. And it sounds like, from your direct testimony, you  
17 never asked Mr. Crawford who the mail vendor was, did you?

18 A. That is also correct.

19 Q. You never asked Nick Crawford if the mail vendor was  
20 going to outsource any part of your mailer to any other  
21 companies, did you?

22 A. No.

23 Q. As I gathered from your direct testimony, the most  
24 important thing to you -- and I think you maybe told  
25 Mr. Farmer this already, but the most important thing you

1 wanted was a good-quality survey to send to your  
2 constituents?

3 A. Yes.

4 Q. And you were happy with the survey, were you not?

5 A. I was.

6 Q. Nick Crawford showed you the questions. I believe you  
7 testified on direct that you went back and forth with Nick  
8 Crawford on the questions; is that right?

9 A. Yes, ma'am.

10 Q. You approved of those questions?

11 A. I did.

12 Q. You approved the design of the survey?

13 A. I did.

14 Q. You approved the pricing, right?

15 A. I did.

16 Q. Those were the things that were important to you,  
17 right?

18 A. Yes, ma'am.

19 Q. And as far as you know, the speaker's office did  
20 approve the content of your mailer, did it not?

21 A. Yeah. That was required, yes.

22 Q. Meaning, like, you wouldn't have been able to pay for  
23 that mailer with your postage and printing funds if the  
24 speaker's office had not signed off or approved that  
25 content?

1 A. That is correct.

2 Q. So your assumption was that that approval was  
3 obtained. Fair to say?

4 A. Yes, ma'am.

5 Q. And I think you mentioned this on direct, but your  
6 particular mailer, you wanted it inserted into various  
7 newspapers in your district, right?

8 A. That's correct, yes.

9 Q. And that's different from a bulk mailing that goes out  
10 to a bunch of people in a particular district. Fair to say?

11 A. Yes, ma'am.

12 Q. And were you able to confirm that those mailers were,  
13 in fact, inserted in your local newspapers?

14 A. Absolutely, because the receivers could take and send  
15 them back. And I've got still today a drawer full of the  
16 returned surveys, yes.

17 Q. Okay. And let's talk about that. So in a survey  
18 situation where you're sending out a survey to your  
19 constituents, they can fill that survey out, right?

20 A. Yes.

21 Q. And they can mail it back to you, right?

22 A. That is correct.

23 Q. And they can tell you how they feel about different  
24 issues, right?

25 A. And they do.

1 Q. And they do. And so they did that for this particular  
2 mailer, did they not?

3 A. Yes, ma'am.

4 Q. And you still, it sounds like, have some of those  
5 survey responses from your constituents, right?

6 A. I do.

7 Q. And as a member of the general assembly, are you able  
8 to access the balance in your postage and printing account  
9 at any given time?

10 A. We are, yes, ma'am.

11 Q. So when the FBI paid you a visit in May of 2021, do  
12 you recall pulling a copy of that account report?

13 A. I did, yes, ma'am.

14 Q. And seeing the transaction date for December 2019?

15 A. Yes, ma'am.

16 **MS. LONGNECKER:** Can we pull up Defense  
17 Exhibit 53, the invoice, please.

18 **BY MS. LONGNECKER:**

19 Q. I'm going to go back to this invoice that Mr. Farmer  
20 asked you about and I think Mr. Taddei might have asked you  
21 about as well.

22 Now, I want to make sure I understood your testimony  
23 on direct. You never saw this invoice -- your testimony is  
24 you never saw this invoice before it was submitted for  
25 payment, correct?

1 A. I had not seen this invoice at all until the visit  
2 from the federal folks.

3 Q. The federal folks showed you the invoice, right?

4 A. That is correct.

5 Q. Okay. And what's that total there on the invoice?

6 A. Well, I'm seeing lines drawn through it. Which one  
7 are you wanting me to speak specific to?

8 Q. That's a fair point. How about the circled amount,  
9 the subtotal amount?

10 A. It was \$4,263.

11 Q. Okay.

12 And can we zoom -- or go back to the regular view,  
13 please.

14 And I want to draw your attention to the bottom of the  
15 page where it has what looks like a stamp and an amount  
16 there with some writing that says 12/20/2019.

17 Can you see that at the bottom?

18 A. Yes, ma'am.

19 Q. What's that amount there?

20 A. That's that 4,263.

21 Q. And when you pulled your report when the FBI visited  
22 you in May of 2019, was that the amount shown?

23 **THE COURT:** I'm sorry. May 2019?

24 **MS. LONGNECKER:** I'm sorry. May of 2021. Thank  
25 you, Your Honor.

1           **THE COURT:** You got it.

2           **BY MS. LONGNECKER:**

3           Q.       When the FBI paid you a visit, do you recall pulling  
4           your --

5           A.       I don't recall the account balance on that document  
6           that I had given them.

7                   (Defense Exhibit 53 was marked and admitted into  
8           evidence.)

9           **THE COURT:** All right. I think maybe we've got  
10          to leave it there since we hit 5:00. And we'll have to pick  
11          it back up tomorrow, continue cross-examination, finish  
12          cross-examination, and then see about redirect and anything  
13          else.

14                  All right, folks. Thanks for your continuing  
15          service for another day. Please remember my admonition  
16          about no communications, research, or investigation. And  
17          please be back by 9:00 a.m. tomorrow.

18                  Thanks. You may step down.

19                  (WHEREUPON, the jury was excused from the  
20          courtroom at 5:02 p.m., with matters being heard in open  
21          court as follows:)

22           **THE COURT:** All right. One thing I wanted to  
23          raise, you know. And I guess, you know, more power to  
24          defense counsel. No one's said anything. They're, you  
25          know, using first names. I'm, to say the least, not a big

1 fan of that.

2 Does the government have a position on this?

3 Because if you say it doesn't bother you, I guess  
4 I'll let my inclination go. But I do have this concern.  
5 You know, it's like we're sitting around watching a football  
6 game. Yeah, there's Robin and there's Glen and there's  
7 Cade. And I not a big fan, but if the government doesn't --  
8 isn't bothered, I guess I won't be either.

9 **MR. PHILLIPS:** And the government's preference  
10 would be that at least the lawyers -- obviously, witnesses  
11 are going to do what they're going to do, but the lawyers  
12 refer to people by their last names formally.

13 **THE COURT:** I just think that's a little more  
14 appropriate. And when I was a -- you know, I'm just going  
15 to explain where I'm coming from on this before I ask the  
16 defense about this. And I admit I'm a little bit maybe  
17 biased in this regard.

18 When I was third year in law school, decades ago,  
19 my trial ad professor happens to have been Karl Dean, who  
20 taught me a lot of things. And one of the things he said  
21 was, you know what? In court, this first name stuff isn't  
22 going to fly.

23 So we had a trial ad case for the course. And it  
24 was The State v. John Diamond. And someone gets up there  
25 and says John this and that. And Karl Dean is like, you



1 know what? In the courts I practice in -- he was then a  
2 Metro public defender -- that wouldn't fly. And he said,  
3 you use Mr. Diamond, you can use John Diamond, but the John  
4 thing won't fly.

5 Now, the reason I mention the -- and I've always  
6 had that opinion. The reason I mention that is I will  
7 concede I come from a particular perspective. It's not  
8 written down as gospel or anything like that. But I tend to  
9 think that unless there's a confusion or there are multiple  
10 people with the same last names, the proceedings are such --  
11 and it's even been commented by at least one defense counsel  
12 what a serious environment this is, what a big, formal  
13 environment this is, and why would we be here. And so --  
14 you know, and how important it is to be here under these  
15 circumstances.

16 I am concerned about the first name thing being  
17 inconsistent with that.

18 All right. Are any defense counsel going to push  
19 back on that? Because I am happy to have the discussion.  
20 And it's not really an insignificant thing in that if you're  
21 counsel and you get in a groove of calling particular  
22 players in the story by a particular name, you know, it may  
23 be a thing with you.

24 What do you think, Mr. Farmer?

25 **MR. FARMER:** I don't know if I'm guilty of this

1 or not, Your Honor, but I am not going to push back. I  
2 intend to call him Mr. Casada. I believe I have called him  
3 Mr. Cothren. I believe I have done that, but if I  
4 haven't --

5 **THE COURT:** Yeah, I can't recall if you did. I  
6 do know that both counsel for Mr. Cothren have done so.  
7 And, again, it's not a criticism. That's what they've  
8 wanted to do, and they've been able to do it. More power to  
9 them.

10 Going forward, are y'all going to push back on  
11 that?

12 **MS. SHERWOOD:** No, Your Honor.

13 **MS. LONGNECKER:** No.

14 **THE COURT:** All right. Thank you.

15 So I wanted to have that discussion because, when  
16 possible, my approach is to do things by consensus or  
17 something close to it. And it sounds like we do have a  
18 consensus on that. I think it will be helpful.

19 To my knowledge, there may be two Smiths, right?  
20 We have a Robin Smith or an Eddie Smith. But other than  
21 that, I'm not aware of a reason why we'd need to use first  
22 names.

23 All right. So I wanted to note a couple of  
24 things. On May the 1st, which is a week from today, we'll  
25 need to break a little early. I was asked to attend a local

1 law school graduation, which I committed to a while back,  
2 and certainly don't want to break that commitment.

3 I think we all know how important law school  
4 graduations can be for law school communities and in our  
5 profession as a whole. But probably break around 4:10 next  
6 Thursday. So that's a scheduling note.

7 Mr. Phillips, anything that you have before we  
8 recommence tomorrow?

9 **MR. PHILLIPS:** It's probably just a marker as  
10 opposed to a discussion right now, Your Honor, but we do  
11 anticipate that Speaker Sexton will be on tomorrow.  
12 Obviously, the government filed a motion in limine that we  
13 had some discussion on.

14 Part of the discussion on that was the  
15 government's objections under 608(b) to certain lines of  
16 cross and having extrinsic evidence introduced.

17 I don't know exactly where we landed on the  
18 asking questions portion of that, which, again, the  
19 government thinks is legitimate. But, as alluded to in the  
20 government's reply, I believe we certainly could see getting  
21 into, like, a minitrial aspect of that.

22 And so I just want to flag that the government  
23 would have 403 concerns if we start going down that path. I  
24 don't know that we need to have an argument about that right  
25 now. I think it may be premature. But I just wanted to

1 flag that that's something that's likely to come up in --

2 **THE COURT:** Well, you know, if I understand  
3 correctly, one of the things we're talking about is it's  
4 really evidence of specific prior conduct of the witness  
5 that may go to truthfulness, character for truthfulness; is  
6 that right?

7 **MR. PHILLIPS:** That's my understanding.

8 **THE COURT:** Okay. And, you know, the general  
9 idea being that if someone has a good -- if counsel has a  
10 good faith basis to believe that particular conduct occurred  
11 and that it does go to truthfulness, the question can be  
12 asked about on cross-examination. If the witness admits it,  
13 then as counsel, you're good; if not, then you're stuck with  
14 the answer if the question was about something collateral.  
15 And if it was noncollateral, you better be prepared to prove  
16 it up when it's your time to go with evidence.

17 Everyone good on that part of it?

18 Okay. Now, your issue, Mr. Phillips, may be,  
19 well, there may be some dispute still about what goes to  
20 truthfulness. Is that --

21 **MR. PHILLIPS:** It's slightly different,  
22 Your Honor, if I can explain. So as I stated in the oral  
23 argument at the pretrial, if the defense wants to ask, "Is  
24 it true you lied on juror per diem reimbursements?" the  
25 government is totally fine with that.

1           **THE COURT:** Because that goes to truthfulness,  
2 right?

3           **MR. PHILLIPS:** Absolutely. My concern -- and  
4 I'll take Mr. Farmer's excellent cross of Mr. Reedy of just  
5 walking through in real, nice detail a bunch of the parts of  
6 the exhibit. If the lead-up to that question is, well,  
7 let's get into where your kids went to school; let's get  
8 into this mortgage; let's get into this rental agreement and  
9 talk through, like, 100 different facts that are supposed to  
10 be leading up to that ultimate question, I think we're in  
11 sort of minitrial territory, which raises the 403 concerns.

12           **THE COURT:** So if you're -- the question, then,  
13 for counsel for defendant, would you intend to say -- ask it  
14 something like that -- and by the way, I'm not -- I don't  
15 think I'm, you know, putting any ideas into anyone's head  
16 and disclosing anything by saying this, and I'm not  
17 suggesting what the witness's answers should be.

18           But, for example, if the witness -- one approach  
19 for defense counsel would say, "I'm going straight to the  
20 chase. Hey, isn't it true, Mr. Witness, that you were  
21 untruthful on this particular form? Do you remember filling  
22 out this particular form? Isn't it true that you were  
23 untruthful on it?"

24           And then, depending on what the answer -- you may  
25 be able to get the answer you need like that without getting

1 into what's on the form and what about it was untruthful.

2 Does defense counsel intend to start out that  
3 way? Or is it more like setting up the situation, setting  
4 up what the answers were, and then on the back end ticking  
5 off one by one what all was untruthful?

6 So, in other words, does the defense counsel  
7 intend to start with an overarching question about  
8 untruthfulness on particular sworn statements?

9 **MS. SHERWOOD:** Yes, Your Honor.

10 **THE COURT:** Mr. Phillips, you know, would that  
11 sort of account for your concern? We're going to start that  
12 way. See how it goes. Because if it's -- I do think if  
13 that is the way it's asked, it might take care of the whole  
14 issue.

15 If the answer is no and then counsel wants to  
16 sort of break it down piece by piece, you may have a point  
17 that that's not how it works and that your -- you take the  
18 answer, you take the denial, and then it's on you -- if it's  
19 a noncollateral matter, it's on you when you get to go with  
20 evidence to prove the whole thing.

21 I don't know that you get to get a denial and  
22 then -- and then start on cross-examination to be able to do  
23 that. Now, in your case in chief, you might be able to call  
24 that witness back, you know, to prove up a noncollateral  
25 assertion of untruthfulness.

1           **MR. PHILLIPS:** Yes, Your Honor. The government  
2 agrees. And, really, most of our concerns for the moment,  
3 at least, are all on collateral matters where we feel like  
4 there could be this minitrial.

5           So really whether, you know, three dozen  
6 questions on a collateral matter come before the ultimate  
7 question or after, we still have major 403 concerns.

8           **THE COURT:** So the one that we're all thinking of  
9 as a primary issue -- and I'm confident we're all thinking  
10 of the same one -- this is one where I'm confident counsel  
11 can do what they say they're going to do and do it the right  
12 way, which is to say -- you know, ask a question, maybe  
13 something to set up the question, but really ask the  
14 question. You know, weren't you untruthful here?

15           And that -- if counsel gets the answer I think  
16 they expect, that should resolve it on that particular  
17 alleged act of untruthfulness.

18           If they don't get the answer they want, it  
19 probably is collateral and they can't prove it up and don't  
20 have to prove it up. But would they be stuck with the  
21 answer without being able to, you know, ask a million  
22 questions to get the witness to change their answer? I  
23 don't think they are allowed to do that. And I think that's  
24 part of the rule against, you know, delving into too much  
25 into collateral matters.

1           So if you're the -- you know, if you're the  
2 witness and you know -- you understand how this all works,  
3 maybe you're, like, well, let's make it all go away by  
4 giving a false culpatory answer, well, that's the danger  
5 with this approach in the federal rules.

6           But the problem is any witness who knowingly  
7 testifies untruthfully acts at their own peril. And I think  
8 experience shows that this is a good tool if the facts are  
9 really in the cross-examiner's favor. Particularly for a  
10 witness who has been well-prepared, this is a good tool for  
11 counsel to get an honest answer about whether the alleged  
12 prior act of untruthfulness occurred.

13           But we can sort of -- I think the best we can  
14 probably do is play it by ear. I would invite counsel, if  
15 they think they can find authority for the proposition that,  
16 you know, if the witness denies -- for whatever reason,  
17 denies that they committed the alleged act showing  
18 untruthfulness, they deny it on cross, that there can be  
19 sort of follow-up questions that attempt to, through a  
20 series of questions, to get them to admit to what they've  
21 denied or to show that their denial was, in fact, false.

22           So that's probably the most I can say about that.

23           And so that is to say, you know, if counsel are  
24 afraid of getting stuck with an answer that they believe is  
25 untruthful when they ask about an alleged prior instance of



1 showing untruthfulness, they should come prepared to show  
2 why they aren't stuck with the answer, particularly as it  
3 relates to impeachment on a collateral matter. That's  
4 probably the most I could say about it.

5 Does that make sense?

6 **MS. SHERWOOD:** Yes, Your Honor. With respect to  
7 that -- so maybe I spoke too hastily there. There is no  
8 universe in which I think we're going to ask this question  
9 "Were you untruthful?" and that we're going to get a yes.  
10 That's not going to happen. So I do think -- I don't  
11 think -- strange rule to expect an untruthful person to be  
12 truthful.

13 **THE COURT:** You know, it's this odd balancing  
14 thing because, if you're in your shoes and you think you've  
15 got a witness who -- you know, any witness that you think  
16 has -- is untruthful or is inclined to engage in acts of  
17 untruthfulness, your way of showing that is to get them to  
18 be truthful. I do see the irony. It's the federal rules  
19 and, you know, the case law's way of sort of making sure we  
20 don't have minitrials.

21 I would encourage both sides to be prepared to  
22 argue, to the extent they're interested, in saying, look, if  
23 there's a denial, here's why we get to ask more questions  
24 after the denial. Or if you're the government, here's why  
25 they don't get to ask more questions after the denial.

1 I'm inclined to think that the very purpose  
2 behind the rule, particularly as it relates to impeachment  
3 on a collateral act of untruthfulness, is to say, you know,  
4 hey, you're stuck with it, and -- you know, and if the  
5 witness falsely denied an allegation of a prior instance  
6 involving untruthfulness, A, shame on them; and B, you know,  
7 may blow back on them in any number of ways in the future  
8 potentially.

9 **MS. SHERWOOD:** Your Honor, that wasn't what I was  
10 saying -- and I appreciate that. I was saying I was a  
11 little too hasty a moment ago when I said we were going to  
12 jump right in and say, "Weren't you untruthful in this?"  
13 There will have to be a few lead-up questions about you said  
14 this, you know.

15 **THE COURT:** Well, and I think -- right. It  
16 doesn't have to be sort of like one question. You're  
17 allowed to put it in context. And I think a few minutes  
18 ago, I referenced to, you know, a question or two to put  
19 it -- and I do realize that.

20 **MS. SHERWOOD:** Yeah, we'll have to.

21 **THE COURT:** You have to be able to provide some  
22 context and, I realize, not put it all in a single question.

23 And even with your prior answer, I wasn't  
24 excluding the possibility of, you know, at least a couple of  
25 questions to put it into context.

1           But that is to say, you know -- kind of, you  
2 know, walking through all this information that particularly  
3 may be on a particular form that you believe is associated  
4 with untruthfulness would not be appropriate.

5           But I do -- you know, I am confident that, you  
6 know, counsel will come prepared to argue whatever position  
7 they want to assert depending on how this plays out.

8           Anything else, Mr. Phillips?

9           **MR. PHILLIPS:** No, Your Honor. Thank you.

10          **THE COURT:** All right. Thank you.

11          Mr. Yarbrough?

12          **MR. YARBROUGH:** I don't believe so, Your Honor.

13          **THE COURT:** Thank you.

14          Ms. Sherwood?

15          **MS. SHERWOOD:** Nothing, Your Honor.

16          **THE COURT:** Thank you, Counsel. We'll reconvene  
17 at 9:00 a.m. tomorrow. Thank you.

18          (WHEREUPON, the foregoing proceedings were  
19 adjourned for the day at 5:20 p.m., to be resumed April 25,  
20 2025, at 9:00 a.m.)

## 1 REPORTER'S CERTIFICATE

2  
3 I, Deborah K. Watson, Official Court Reporter for  
4 the United States District Court for the Middle District of  
5 Tennessee, with offices at Nashville, do hereby certify:

6 That I reported on the Stenograph machine the  
7 proceedings held in open court on April 24, 2025, in the  
8 matter of UNITED STATES OF AMERICA vs. GLEN CASADA AND CADE  
9 COTHREN, Case No. 3:22-cr-00282; that said proceedings in  
10 connection with the hearing were reduced to typewritten form  
11 by me; and that the foregoing transcript (Trial Volume 3 of  
12 19, pages 1 through 275) is a true and accurate record of  
13 said proceedings.

14 This the 23rd day of August, 2025.

15  
16 /s/ Deborah K. Watson  
17 DEBORAH K. WATSON, RPR, CRR  
18 Official Court Reporter  
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21  
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